

Washington, Friday, March 13, 1953

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 592]

Part 301—Domestic Quarantine Notices

SUBPART—HAWAHAN FRUITS AND VEGETABLES

ADMINISTRATIVE INSTRUCTIONS APPROVING ETHYLENE DIBROMIDE FULLIGATION AS A CONDITION FOR CERTIFICATION; CORRECTION

On Wednesday, February 18, 1953, there was published in the Federal Register, at pages 947 and 949, a document (F. R. Doc. 53-1599) which contained administrative instructions approving ethylene dibromide fumigation as a condition for certification of certain fruits and vegetables for interstate movement from Hawaii.

In paragraphs (b) and (c) of such document the word "square" was inadvertently used instead of the word "cubic" Each of said paragraphs is hereby corrected by deleting the word "square" and inserting in lieu thereof the word "cubic" so that the stated amount of ethylene dibromide is required "per 1,000 cubic feet of space, including the load."

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 162)

Done at Washington, D. C., this 6th day of March 1953.

[SEAL] AVERY S. HOYT,

Chief, Bureau of Entomology

and Plant Quarantine.

[F. R. Doc. 53-2263; Filed, Mar. 12, 1953; 8:53 a. m.]

PART 354—OVERTIME SERVICE RELATING TO IMPORTS AND EXPORTS

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING COMMUTED TRAVEL TIME ALLOWANCES

Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective May 5, 1951, as amended effective May 13, 1952 (7 CFR Supp. 354.1; 16 F. R. 3972, 17 F. R. 4317), administrative instructions (7 CFR Supp. 354.2; 17 F. R. 5055) issued May 23, 1952, as amended effective July 11, 1952 (7 CFR Supp. 354.2; 17 F R. 6215) to prescribe the commuted travel time that shall be included in each period of overtime duty are hereby amended to read as follows:

§ 354.2 Administrative instructions prescribing commuted travel time. Each period of overtime duty, as prescribed in § 354.1 shall, in addition, include a commuted travel time period for the respective ports, stations, and areas in which employees are located, if such travel is performed solely on account of overtime or holiday service, as follows:

ONE HOUR Aguadilla, Puerto Rico (cerved from Ramey Air Force Base). Blaine, Wash. Brownsville, Tex. Buffalo, N. Y Calexico, Calif. Charleston, S. C. Charlotte Amalie, American Virgin Iclands. Christiansted, American Virgin Islands. Del Rio, Tex. Douglas, Ariz. Eagle Pass, Tex. El Paso, Tex. Frederiksted, American Virgin Islands (served from Christiansted). Galveston, Tex. Hidalgo, Tex. Hilo, Territory of Hawali. Honolulu, Territory of Hawall. Key West, Fla. Laredo, Tex. Memphis, Tenn. Mercedes, Tex. Nogales, Ariz. Omaha, Nebr. Pensacola, Fla. Port Arthur, Tex. Port Everglades, Fla. Presidio, Tex. Ramey Air Force Base, Puerto Rico. Roma, Tex.

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St. Albans, Vt.

St. Paul. Minn.

Savannah, Ga.

San Antonio, Tex. San Juan, Puerto Rico.

San Ysidro, Calif.

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplements are now available:

Title 24 (\$0.65)

Title 25 (\$0.40)

Previously announced: Title 3 (\$1.75); Title 9 (\$0.40); Titles 10-13 (\$0.40); Title 17 (\$0.35); Title 18 (\$0.35); Title 49: Parts 71 to 90 (\$0.45)

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Anchorage, Alaska. Arlington, Va.

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Beaumont, Tex. (served from Port Arthur)

Bellingham, Wash. (served from Blaine, Wash.).

Dallas, Tex.

Houston, Tex.

Jacksonville, Fla.

Lantana Airport, Lantana, Fla. (served from

West Palm Beach, Fla.). Miami, Fla.

Mobile, Ala.

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Niagara Falls, N. Y. (cerved from Buffalo, N. Y.). Norfolk-Newport News, Va.

Offutt Air Base (served from Omaha, Nebr.). Orange, Tex. (served from Port Arthur, Tex.). Port Isabel, Tex. (cerved from Brownsville,

Tex.). St. Louis, Mo.

San Francisco, Calif.

Sumas, Wash. (cerved from Blaine, Wash.). Tampa, Fla.

THREE HOURS

Anacortes, Wash. (served from Elaine, Wash.).

Baltimore, Md. Baytown, Tex. (served from Houston, Tex.). Beaufort, S. C. (served from Charleston,

S. C.). Boston, Mass. Bradley Field, Conn. (served from Westover Field, Mass.).

Brunswick, Ga. (served from Savannah, Ga.). Carswell Field (Fort Worth), Tex. (served from Dallas, Tex.).

Chicago, Ill.

Detroit, Mich.

Freeport, Tex. (cerved from Houston, Tex.)

Georgetown, S. C. (served from Charleston, S. C.).

Glynnce Naval Air Station, Ga. (cerved from Savannah, Ga.).

Gulfport, Miss. (served from Mobile, Ala.). Hopewell, Va., (served from Norfolk-Newport News, Va.).

Lake Charles, La. (served from Port Arthur, Tex.).

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Mayaguez, Puerto Rico (cerved from Ramey Air Force Base.).

New Orleans, La.

New York, N. Y. (metropolitan area.).

Patuxent, Md. (cerved from Arlington, Va.). Philadelphia, Pa.

Pittsburgh, Pa.

Portland, Oreg.
Richmond, Va. (served from Norfolk-Newport News, Va.).

Roosevelt Roads, P. R. (cerved from San Juan, P. R.).

St. Albans, Vt. (ports cerved from, but not including St. Albans).

Scattle, Wash. Tucson, Ariz. (served from Nogales, Ariz.). Wilmington and other North Carolina ports

served from Charleston, S. C., These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Bureau of Entomology and Plant Quarantine. The overtime services are performed for the benefit of and at the request of those desiring or requiring such services. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, or contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication.

These amended administrative instructions shall be effective on and after March 14, 1953.

Done at Washington, D. C., this 6th day of March 1953.

[SEAL] AVERY S. HOYT. Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 53-2262; Filed, Mar. 12, 1953; 8:52 a. m.]

TITLE 5—ADMINISTRATIVE **PERSONNEL**

Chapter I—Civil Service Commission

PART 6-EXCEPTIONS FROM THE COMPETITIVE SERVICE

PEDERAL SECURITY AGENCY; CIVIL AERONAUTICS EOARD

1. Effective upon publication in the FEDERAL REGISTER, subparagraph (2) is added to § 6.123 (e) as follows:

§ 6.123 Federal Security Agency.

(e) St. Elizabeths Hospital. (2) NC/PD. One Medical Officer

(Surgical Resident) 2. Effective upon publication in the FEDERAL REGISTER, § 6.137 is amended to read as follows:

§ 6.137 Civil Aeronautics Board. (a) Executive Director of the Board.

(b) One private secretary or confidential assistant to each member of the Board.

(c) One special assistant to the Chairman of the Board.

(d) Until December 31, 1953, the following positions: Secretary of the Board; General Counsel of the Board; Director of the Bureau of Air Operations; Director of the Bureau of Safety Regulation: Director of the Bureau of Safety Investigation; and Chief, Office of Enforcement.

(R. S. 1753, sec. 2; 22 Stat. 403; 5 V. S. C. 631, 633. E. O. 9839, Feb. 24, 1947, 12 F. R. 1259. 3 CFR, 1947 Supp. E. O. 9973, June 23, 1948, 13 F. R. 3000; 3 CFR, 1948 Supp.)

> UNITED STATES CIVIL SERV-ICE COLEMISSION,

[SEAL] C. L. EDWARDS.

Executive Director

[F. R. Doc. 53-2245; Filed, Mar. 12, 1953; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I-Civil Aeronautics Board

Subshapter A-Civil Air Regulations [Supp. 8, Amdt. 1]

Part 40-–Air Carrier Operating CERTIFICATE

RADIO FACILITIES

The purpose of this amendment is to make editorial corrections in interpretations and policies issued by the Civil Aeronautics Administration. The interpretations and policies were based in part upon SR-363, issued by the Civil Aeronautics Board. The corrections are necessary because SR-363 has been superseded by SR-382.

The following alterations are hereby adopted:

Sections 40.31-1 and 40.31-2, published on November 9, 1951, m 16 F. R. 11414, are amended by substituting "SR-382" for "SR-363."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 604, 52 Stat. 1010, as amended; 49 U. S. C. 554)

This amendment shall become effective March 15, 1953.

[SEAL]

F B. Lee, Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-2253; Filed, Mar. 12, 1953; 8:50 a. m.]

[Supp. 14, Amdt. 1]

PART 41,—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIERS OPERATING OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

FIRST-AID KITS

The purpose of this amendment is to make an editorial change in existing policies of the Civil Aeronautics Administration.

1. Section 41.23-1, as published on March 29, 1952, in 17 F R. 2748, is amended by rewording the captions of paragraphs (a) (b) and (c) to read as follows:

§ 41.23-1 First-aid kits (CAA policies which apply to § 41.23) * * *

(a) No. 1 kit for aircraft of 1-5 persons capacity. * * *

(b) No. 2 kit for aircraft of 6-25 persons capacity. * * *

(c) No. 3 kit for aircraft of more than 25 persons capacity. * * *

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 604, 52 Stat. 1010; 49 U. S. C. 554)

This amendment shall become effective March 15, 1953.

[SEAL]

F B. Lee, Acting Administrator of Civil Aeronautics.

[F. R. Doc. 53-2254; Filed, Mar. 12, 1953; 8:50 a. m.]

[Supp. 20, Amdt. 1]

PART 61—SCHEDULED AIR CARRIER RULES

FIRST-AID KITS

The purpose of this amendment is to make an editorial change in existing policies of the Civil Aeronautics Administration.

1. Section 61.61-1, as published on March 29, 1952, in 17 F R. 2749, is amended by rewording the captions of paragraphs (a) (b) and (c) to read as follows:

§ 61.61-1 First-aid kits (CAA policies which apply to § 61.61) * * *

(a) No. 1 kit for aircraft of 1-5 persons capacity. * * *

(b) No. 2 kit for aircraft of 6-25 persons capacity. * * *

(c) No. 3 kit for aircraft of more than 25 persons capacity. * * *

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 604, 52 Stat. 1010; 49 U. S. C. 554)

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This amendment shall become effective March 15, 1953.

[SEAL]

F. B. Lee, Acting Administrator of Civil Aeronautics,

[F. R. Doc. 53-2255; Filed, Mar. 12, 1953; 8:51 a.m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULA-TIONS. SECURITIES ACT OF 1933

REGULATION A. GENERAL EXEMPTION

Purpose of revision. On August 15, 1952, the Securities and Exchange Commission published notice that it had under consideration a proposed revision of Regulation A under the Securities Act of 1933. This regulation provides an exemption from registration under the act for small issues of securities (not exceeding \$300,000 in amount) upon compliance with the provisions of this regulation. The Commission has considered all of the comments and suggestions received and has determined that the proposed revision should be adopted, with certain modifications which have been incorporated therein. A copy of the revised regulation is set forth below.

One of the principal changes effected by the revision of Regulation A is the requirement that an offering circular containing certain minimum information, including financial information, be employed in the distribution of securities under this regulation. In adopting this new requirement the Commission had in mind the Congressional intent to aid small businesses by providing an exemption from the requirements of registration with respect to offerings not exceeding \$300,000 in amount while making possible more effective enforcement of the anti-fraud provisions of the stat-ute. The regulation requires that the investor be furnished with such basic information as will indicate to him the essential characteristics of the enterprise in which he is being asked to invest his funds.

In line with the basic purposes of the regulation, offering circulars proposed to be used in connection with offerings under the revised regulation will be examined primarily from the standpoint of determining whether the minimum basic facts are revealed and whether these facts indicate the existence of fraud in connection with the proposed offering.

The revised regulation contains an innovation in the Commission's rules under section 3 (b) by permitting the use of limited written advertisements or other written communications prior to the sending or giving of the offering circular. This provision is intended to permit persons making an offering under this regulation to advertise inexpensively for the purpose of obtaining inquiries from persons who may be interested in receiving the offering circular.

Provision is also made in the revised regulation for denying or suspending the exemption in cases where the Commission finds that the terms and conditions of the exemption have not been met: that the offering circular or other material filed pursuant to the regulation is fraudulent, that fraud or deceit is being perpetrated or would be perpetrated in the sale of the securities or that some event has occurred which would have made the exemption unavailable had it occurred prior to the filing of the notification. It is the Commission's hope that this provision will be invoked only in those rare cases where persons employing the rule refuse to comply with the spirit of the regulation and that in the vast majority of cases the Commission's customary letter of comment will be adequate to secure compliance.

The revised regulation exempts offerings up to a maximum of \$300,000. However, in computing this amount there must be included all securities of the issuer's predecessors and affiliates currently being offered under this regulation or sold pursuant to an offering thereunder commenced within one year, All securities sold in violation of the registration provisions of the act within one year must also be included. Offerings on behalf of any one person other than the issuer are limited to a maximum of \$100,000. Subject to this limitation, persons other than the issuer may offer, in the aggregate, more than \$100,000, but not more than \$300,000. The full amount of \$300,000 may, however, be offered on behalf of the estate of a deceased person if the offering is made within two years after the death of such person. In the case of all offerings proposed to be made on behalf of persons other than the issuer there must be filed with the notification a written representation signed by the issuer to the effect that the proposed offering will not interfere with any needed financing by the issuer under Regulation A.

The revised regulation also provides for the filing of semi-annual reports showing the progress of the offering. This requirement merely formalizes in the rules the present administrative practice of requesting such reports. No further reports are required after completion or termination of the offering and the filing of a final report.

Statutory basis. The revised Regulation A is adopted pursuant to the Securities Act of 1933, particularly sections 3 (b) and 19 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out its functions under the act.

Regulation A, as revised, shall become effective March 6, 1953, provided that such regulation as heretofore in effect may, at the option of the person or persons on whose behalf the offering is to be made, apply to any offering commenced thereunder prior to April 6, 1953.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

March 6, 1953.

REGULATION A: GENERAL EXEMPTION

Sec.		
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	§§ 230.215 to 230.224.	
	Securities exempted.	
230.217	Amount of securities exempted.	
230.218	Filing of notification on Form 1-	A
230.219	Filing and use of offering circula	ır
230.220	Use of limited written communic	а-
	tions.	

230.221 Other material to be filed. 230.222 Prohibition of certain statements. 230.223 Denial and suspension of exemp-

tion a

230.224 Reports of sales under §§ 230.215 to 230.224.

AUTHORITY: §§ 230.215 to 230.224 issued under sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s.

REGULATION A. GENERAL EXEMPTION

§ 230.215 Definitions of terms used in §§ 230.215 to 230.224. As used in §§ 230.-215 to 230.224, the following terms shall have the meanings indicated:

(a) An "affiliate" of an issuer is a person controlling, controlled by or under common control with such issuer. An individual who controls an issuer is an affiliate of such issuer.

(b) A "predecessor" of an issuer is a person the major portion of whose assets have been acquired directly or indirectly by the issuer and who at the time of the transfer of such assets was an affiliate of the issuer or of any person who it an affiliate of the issuer.

(c) A "principal underwriter" is an underwriter who is a party to the underwriting agreement (whether written or oral) with the issuer or other person on whose behalf the securities are offered hereunder. "Underwriter" shall have the meaning given in section 2 (11) of the act.

(d) A "promoter" of an issuer is a person who took an important part in the organization of such issuer, or in the acquisition of its assets.

(e) A "resident" of the United States is an individual resident thereof, or a corporation or other organization which is incorporated or organized under the laws of the United States, any State or Territory or the District of Columbia.

§ 230.216 Securities exempted. (a) Except as hereinafter provided in this section, securities issued by any resident of the United States having his or its principal business operations in the United States shall be exempt from registration under the act if offered in accordance with the terms and conditions of §§ 230.215 to 230.224.

(b) No exemption under §§ 230.215 to 230.224 shall be available for any of the following securities:

(1) Fractional undivided interests in oil or gas rights as defined in § 230.300, or similar interests in other mineral rights.

(2) Certificates of interest as defined in §230.360.

(3) Securities of any investment company registered or required to be registered under the Investment Company Act of 1940.

(4) Securities of any issuer if such issuer or any of its predecessors or affiliates:

(i) Has filed a registration statement which is the subject of pending pro-

ceedings under section 3 (b) 3 (d) or 8 (e) of the act or is subject to an order entered under any such section within five years prior to the filing of the notification required by § 230.218; or

(ii) Is subject to pending proceedings under § 230,223, or any similar rule adopted under section 3 (b) of the act, or to an order entered thereunder within five years prior to such filing.

(5) Securities of any issuer if such issuer or any of its directors, officers, affilliates or predecessors, any of its promoters presently connected with it in any capacity if the issuer was organized within the past three years, or any principal underwriter of the securities to be offered hereunder:

(i) Has been convicted within five years prior to the filing of the notification required by § 230.218 of any crime or offense involving the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer:

(ii) Is subject to any order, judgment or decree of any court entered within five years prior to such filing, enjoining or restraining such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or arising out of the business of a broker or dealer; or

(iii) Is subject to a United States Post Office fraud order entered within five years prior to the date of such filing.

§ 230.217 Amount of securities exempted. (a) The aggregate offering price of all of the following securities of (i) the issuer, (ii) its predecessors and (iii) all of its affiliates which were organized, or became affiliates of the issuer, within the past two years, shall not exceed \$300,000:

(1) All securities of such persons presently being offered under §§ 230.215 to 230.224 or specified in the notification required by § 230.218 as proposed to be so offered;

(2) All securities of such persons previously sold pursuant to an offering under §§ 230.215 to 230.224 commenced within one year prior to the commencement of the proposed offering; and

(3) All securities of such persons sold in violation of section 5 (a) of the act within one year prior to the commencement of the proposed offering:

Notwithstanding the foregoing, the aggregate offering price of all securities of such persons so offered or sold on behalf of any one person other than the issuer or issuers of such securities shall not exceed \$100,000, except that this limitation shall not apply if the securities are to be offered on behalf of the estate of a deceased person within two years after the death of such person.

(b) The aggregate offering price of securities which have a determinable market value shall be computed upon the basis of such market value as determined from transactions or quotations on a specified date within 15 days prior to the date of filing the letter of notification, or the offering price to the public, whichever is higher: Provided, That the aggregate gross proceeds actually received from the public shall not exceed the maximum aggregate offering price

permitted, in the particular case, by paragraph (a) of this section.

(c) Where securities are offered in exchange for outstanding securities, claims or property, the aggregate offering price thereof shall be computed upon the basis of the market value of the securities, claims or property to be received in exchange, as established by bona fide sales made within a reasonable time, or in the absence of such sales, upon the basis of the fair value of the securities, claims or property to be received in exchange, as determined by some accepted standard.

(d) The aggregate offering price of assessable securities shall include the aggregate amount of all assessments legally leviable thereon at the time of the offering thereof or at any time thereafter.

(e) The following securities need not be included in computing the amount of securities which may be offered under \$\frac{8}{2}\$ 230.215 to 230.224: (1) Unsold securities the offering of which has been withdrawn by amending the pertinent notification to reduce the amount stated therein as proposed to be offered; or (2) securities acquired, otherwise than for distribution, by a single holder of the majority of the outstanding voting stock of the issuer in connection with a prorata offering to stockholders.

§ 230.218 Filing of notification on Form 1-A. At least 10 days (Saturdays, Sundays and holidays excluded) prior to the date on which the initial offering of any securities is to be made under §§ 230.215 to 230.224, there shall be filed with the Regional Office of the Commission for the region in which the issuer's principal business operations are conducted, three copies of a notification on Form 1-A. The notification shall be signed by the issuer and by each person, other than the issuer, on whose behalf any of such securities are to be offered. If the notification is signed by any person on behalf of any other person, evidence of authority to sign on behalf of such other person shall be filed with the notification, except where an officer of the issuer signs on behalf of the issuer.

§ 230.219 Filing and use of offering circular. (a) Except as provided in paragraph (f) of this section and in § 230.220:

(1) No written offer of securities shall be made under §§ 230.215 to 230.224 unless an offering circular containing the information specified in paragraph (c) of this section is concurrently given or has previously been given to the person to whom the offer is made, or has been sent to such person under such circumstances that it would normally have been received by him at or prior to the time of such written offer; and

(2) No securities shall be sold under \$\\$230.215 to 230.224 unless such an offering circular is given to the person to whom the securities are sold, or is sent to such person under such circumstances that it would normally be received by him, with or prior to any confirmation of the sale, or prior to the payment by him of all or any part of the purchase price of the securities, whichever first occurs:

Provided, That in case of transactions effected on a securities exchange, delivery of the offering circular shall be deemed to have been made if the issuer or any principal underwriter shall, prior to such transactions, furnish to such exchange a reasonable number of copies of such circular for delivery to any person

or persons requesting copies thereof. (b) The offering circular specified in paragraph (a) of this section need not be filed with the Commission or used in connection with an offering of securities under §§ 230.215 to 230.224 if the aggregate offering price of all securities of the issuer, its predecessors and affiliates offered or sold without the use of such an offering circular does not exceed \$50,000, computed in accordance with § 230.217. In such case, however, there shall be filed as an exhibit to the notification three copies of a statement setting forth the information specified in paragraph (c) (1), (2), (3), (4) and (5) of this section.

(c) The offering circular required by paragraph (a) in this section shall be dated, shall contain the following statement on the outside front cover page of the offering circular in capital letters in type as large as that used generally in the body of such circular and the following items of information:

These securities are offered pursuant to an exemption from registration with the Securities and Exchange Commission. The Commission does not pass upon the merits of any securities nor does it pass upon the accuracy or completeness of any offering circular or other selling literature.

(1) The name and address of the 1ssuer, the name of the State or other jurisdiction in which it was incorporated or organized, the date of its incorporation or organization and the general type of its business. If the issuer is a commercial, industrial or extractive company in the promotional, exploratory or development stage, briefly describe the properties to be operated or developed by the issuer.

(2) The full names of the directors and officers of the issuer and of any person or persons controlling the issuer, their direct or indirect material interests, by security holdings, contracts, options or otherwise. in the issuer or in any assets proposed to be acquired or operated by the assuer. If the assuer was organized within the past three years, furnish similar information as to all promoters of the issuer.

(3) The kind and amount of securi-

ties proposed to be offered hereunder. the name and address of each person, other than the issuer, on whose behalf any of such securities are to be offered and the amount to be offered on behalf

of each such person.

(4) The names and addresses of any principal underwriters of such securities, the nature of their material interests, direct or indirect, in the issuer. State in tabular form on the outside front cover page, on a per-unit basis, the offering price to the public, underwriting discounts or commissions, and proceeds to the issuer or other persons. If the securities are not to be offered for cash, state the basis upon which the offering is to be made.

(5) The estimated aggregate underwriting discounts or commissions proposed to be paid or allowed in connection with the sale of the securities, the estimated aggregate cash proceeds to be received by the issuer from the sale of the securities, the purposes for which such proceeds are to be used and the amount to be used for each such purpose, indicating in what order of priority the proceeds will be used for the purposes stated.

(6) Appropriate financial statements of the issuer showing:

(i) The issuer's financial condition as of a date within ninety days prior to filmg the notification, or such longer period of time, not exceeding six months, as the Commission may permit at the written request of the issuer upon a showing of good cause therefor; and

(ii) Its income, expenses and charges in surplus, or receipts and disbursements as appropriate, for a period of at least two full fiscal years prior to the date of the statement of financial condition and for the period, if any between the close of the last full fiscal year and the date of such statement, or for the period of the issuer's existence if less than the period specified in subdivision (i) of this subparagraph.

Such statements need not be certified by independent public or certified public accountants.

Note: If the issuer is a commercial, industrial or extractive company in the promotional, exploratory or development stage, the financial statements shall include separate statements of (a) assets, which shall include as a separate item unrecovered promotional, exploratory and development costs; (b) liabilities; (c) capital shares; and (d) cash receipts and disbursements itemized as appropriate to the nature of the enterprise. In these statements dollar amounts shall be extended only for cash transactions. Amounts due to or from, or paid to or received from. underwriters, promoters, directors, officers, employees and principal holders of equity securities shall be stated separately for each such class of persons, if significant in

(d) The offering circular may be printed, mimeographed, lithographed or typewritten, or prepared by any similar process which will result in clearly legible copies. If printed, it shall be set in roman type at least as large as ten-point modern type, except that financial statements and other statistical or tabular matter may be set in roman type at least as large as eight-point modern type. All

type shall be leaded at least two points. (e) Three copies of the offering circular required by paragraph (a) of this section which is to be used at the commencement of the offering, shall be filed with the notification required by § 230.218 at the time the notification is filed and shall be deemed a part thereof. If the offering circular is thereafter revised or amended, three copies of the revised or amended circular shall be filed with the office of the Commission with which the notification was filed at least ten days prior to its use, or such shorter period as the Commission may authorize.

§ 230.220 Use of limited written communications. Notwithstanding § 230.219, any written advertisement or other

written communication which contains all of the information specified in paragraphs (a) through (f) of this section, but contains no other information, may be published or distributed at or after the commencement of the offering to any person prior to the sending or giving to such person of an offering circular containing the information specified in § 230.219 (c)

(a) The name of the issuer;(b) The general type of its business; (c) A brief statement as to the location of the issuer's property;

(d) The title and per unit offering price to the public of the securities;

(e) The name and address of the person or persons from whom an offering circular meeting the requirements of § 230.219 (c) may be obtained; and

(f) A detachable form, substantially as follows, for use in requesting a copy of the offering circular '

Please send me a copy of the offering circular relating to Name Address _____

§ 230.221 Other material to be filed. Three copies of every written or other communication (including those specified in § 230.220) prepared or authorized by the issuer or any of its affiliates or any principal underwriter of the securities to be offered which is proposed to be sent or given, in addition to the offering circular, to more than ten persons shall be filed at least five days (exclusive of Saturdays, Sundays and holidays) prior to any use thereof, with the office of the Commission with which the notification is filed.

§ 220.222 Prohibition of certain statements. No offering circular or other written or oral communication used in connection with any offering under this regulation shall contain any language stating or implying that the Commission has in any way passed upon the merits of, or given approval to, the securities offered or the terms of the offering, or has determined that the securities are exempt from registration, or has made any finding that the statements in any such offering circular or other communication are accurate or complete.

§ 230.223 Denial and suspension of (a) The Commission may, exemption. at any time after the filing of a notification enter an order temporarily denying the exemption, or if the public offering has commenced, it may enter an order temporarily suspending the exemption, if it has reason to believe that:

(1) No exemption is available under §§ 230.215 to 230.224 for the securities purported to be offered hereunder or any of the terms or conditions of §§ 230.215 to 230.224 have not been complied with;

(2) The notification, the offering circular or any other sales literature contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading;

(3) Any device, scheme or artifice to defraud, is being or would be employed in connection with the sale of the securities, or the offering is being or would bo made in such manner as to operate as a fraud or deceit upon the purchaser;

(4) A registration statement filed by the issuer or any of its affiliates shall become subject to pending proceedings under section 8 (b) 8 (d) or 8 (e) of the act or subject to an order entered under any such section;

(5) The issuer or any of its affiliates shall become subject to pending proceedings under this section or under any similar rule adopted under section 3 (b) of the act, or subject to an order entered under any such section; or

(6) The issuer or any of its directors. officers, or affiliates, any promoter specified in § 230.219 (c) (2) any principal underwriter of the securities offered hereunder or any security holder on whose behalf any of such securities are offered (i) shall be indicted or convicted of any crime or offense involving the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer, or (ii) shall be enjoined from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security.

(b) Upon the entry of an order under paragraph (a) of this section, the Commission will promptly give notice to the persons on whose behalf the notification was filed (1) that such order has been entered, together with a brief statement of the reasons for the entry of the order, and (2) that the Commission will, upon receipt of a written request, set the matter down for hearing within 20 days after the receipt of such request at a place to be designated by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall remain in effect until it is modified or vacated by the Commission. Where a hearing is requested or is ordered by the Commission, the Commission will, after notice of and opportunity for such hearing, either vacate the order or enter an order permanently denying or suspending the exemption.

(c) The Commission may at any time after notice of and opportunity for hearing, enter an order permanently suspending the exemption for any reason upon which it could have entered a temporary suspension order under paragraph (a) of this section. Any such order shall remain in effect until vacated

by the Commission.

(d) All notices required by this section shall be given to the person or persons on whose behalf the notification was filed by personal service, registered mail or confirmed telegraphic notice at the addresses of such persons given in the notification. In addition, all such notices will be published in the FEDERAL REGISTER.

\$ 230.224 Reports of sales under \$\$ 230.215 to 230.224. Within 30 days after the end of each six-month period following the commencement of the offering of the securities under §§ 230.215 to 230.224, the issuer or other person on whose behalf the securities are offered shall file with the Commission four copies of a report on Form 2-A containing the information called for by such form. A final report may be made upon completion or termination of the offering

prior to the end of the six-month period sively for the purpose of obtaining inin which the last sale is made.

[F. R. Doc. 53-2242; Filed, Mar. 12, 1953; 8:48 a. m.1

PART 230-GENERAL RULES AND REGULA-TIONS, SECURITIES ACT OF 1933

REGULATION D: EXEMPTION FOR CANADIAN SECURITIES

Purpose. On August 18, 1952, the Securities and Exchange Commission published notice that it had under consideration the adoption of an exemption from the registration requirements of the Securities Act of 1933 for offerings of Securities, not exceeding \$300,000 in any one year, made by Canadian issuers or by domestic issuers having their principal business operations in Canada. The Commission has considered the comments and suggestions received and has determined that the proposed exemption, as modified in certain respects, should be adopted. A copy of the new regulation is set forth below.

Section 3 (b) of the act authorizes the Commission to exempt from registration, on appropriate terms and conditions, issues of securities not in excess of \$300.-The recently ratified amendments to the extradition treaty between the United States and Canada, which are designed to cover fraud offences of the type indictable in this country under section 17 (a) of the act or under the Mail Fraud Statute, has made feasible the promulgation of this exemptive regulation adapted to the circumstances of

small Canadian enterprises.

One of the principal provisions of the new regulation is the requirement that an offering circular, containing certain minimum information, including financial information, be employed in the distribution of securities under this regulation. In adopting this requirement the Commission had in mind the Congressional intent to aid small businesses by providing an exemption from the requirements of registration with respect to offerings not exceeding \$300,000 in amount, while making possible more effective enforcement of the anti-fraud provisions of the statute. The regulation requires that the investor be furnished with such basic information as will indicate to him the essential characteristics of the enterprise in which he is being asked to invest his funds.

In line with the basic purposes of the regulation, offering circulars proposed to be used in connection with offerings thereunder will be examined primarily from the standpoint of determining whether the minimum basic facts are revealed and whether these facts indicate the existence of fraud in connection with the proposed offering.

The new regulation contains an innovation in the Commission's rules under section 3 (b) of the act by permitting the use of limited written advertisements or other written communications prior to the sending or giving of the offering circular. This provision is intended to permit persons making an offering under this regulation to advertise inexpen-

quiries from persons who may be interested in receiving the offering circular.

In order to give full effect to the civil liability provisions of the act, the new regulation requires that each non-restdent connected with an offering made thereunder, file a written urrevocable consent and power of attorney which would authorize the commencement of any civil actions or suits arising out of any offering made or purported to be made under the regulation or any purchase or sale of any security in connection therewith, by the service of process upon the Commission, which would be authorized to receive service of all papers in such litigation and which, in turn, would forward copies thereof to the appropriate persons by registered mail.

Provision is also made in the new regulation for denying or suspending the exemption in cases where the Commission finds that the terms and conditions of the exemption have not been met: that the offering circular or other material filed pursuant to the regulation is fraudulent; that fraud or deceit is being perpetrated or would be perpetrated in the sale of the securities or that some event has occurred which would have made the exemption unavailable had it occurred prior to the filing of the notification. It is the Commission's hope that this provision will be invoked only in those rare cases where persons employing the rule refuse to comply with the spirit of the regulation and that in the vast majority of cases the Commission's letter of comment, which is customary in the case of similar exemptions, will be adequate to secure compliance.

The revised regulation exempts offerings up to a maximum of \$300,000. However, in computing this amount there muse be included all securities of the issuer's predecessors and affiliates currently being offered under this regulation or sold pursuant to an offering thereunder commencing within one year. All securities sold in violation of the registration provisions must also be included. However, offerings on behalf of persons other than the issuer are limited

to a maximum of \$100,000.

To avail itself of the exemption the issuer or other person on whose behalf the offering is to be made must file with the Commission at least 15 days, exclusive of Saturdays, Sundays and United States holidays, before any offering is made under the regulation, copies of a notification and of the required offering circular. Unlike Regulation A, notifications under Regulation D are filed with the principal office of the Commission in Washington, D. C. If the offering circular is thereafter revised or amended, copies of the revised or amended circular will have to be filed with the Commission. within 15 days prior to its use. However, the Commission may shorten such period upon the showing of good cause. A similar requirement also applies to copies of any other sales literature to be used in the offering.

The new regulation requires the filing of semiannual reports showing the progress of the offering. This requirement merely formalizes in the rules the present administrative practice followed in the case of other similar exemptions of requesting such reports. No further reports are required after completion or termination of the offering and the filing of a final report.

Statutory basis. Regulation D is adopted pursuant to the Securities Act of 1933, particularly sections 3 (b) and 19 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out its functions under the act.

Regulation D shall become effective March 6, 1953.

By the Commission.

[SEAL] ORVAL L. DuBois, Secretary.

March 6, 1953.

REGULATION D: EXEMPTION FOR CANADIAN SECURITIES

230.500 Definition of terms used in §§ 230.-500 to 230,510. 230.501 Securities exempted. 230.502 Amount of securities exempted. 230.503 Filing of notification of Form 1-D. 230,504 Filing and use of offering circular. 230.505 Use of limited written communications. 230.506 Other material to be filed. 230.507

230.507 Consent to service of process.
230.508 Prohibition of certain statements.
230.509 Denial and suspension of exemption.
230.510 Reports of sales under §§ 230.500 to
230.510.

AUTHORITY: §§ 230.500 to 230.510 issued under sec. 19, 48 Stat. 85, as amended; 15-U. S. C. 77s.

REGULATION D: EXEMPTION FOR CANADIAN SECURITIES

§ 230.500 Definitions of terms used in §§ 230.500 to 230.510. As used in §§ 230.500 to 230.510, the following terms shall have the meanings indicated:

(a) An "affiliate" of an issuer is a person controlling, controlled by or under common control with such issuer. An individual who controls an issuer is an affiliate of such issuer.

(b) A "predecessor" of an issuer is a person the major portion of whose assets have been acquired directly or indirectly by the issuer and who at the time of the transfer of such assets was an affiliate of the issuer or of any person who is an affiliate of the issuer.

(c) A "promoter" of an issuer is a person who took an important part in the organization of such issuer or in the acquisition of its assets.

(d) A "resident" of a specified country is an individual resident of such country, or a corporation or other organization which is incorporated or organized under the laws of such country or any of its political subdivisions.

(e) The term "underwriter" shall have the meaning given in section 2 (11) of the act.

§ 230.501 Securities' exempted. (a) Except as hereinafter provided in this section, securities offered in accordance with the terms and conditions of §§ 230.-500 to 230.510 shall be exempt from registration under the act, provided:

"(1) Such securities are issued by a

resident of Canada, or of the United

States, having his or its principal business operations in Canada,

(2) The offering is made for the benefit of one or more residents of Canada or of the United States;

(3) The securities are offered for cash;

(4) Each underwriter of the securities is registered as a broker or dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934, unless such registration is not required.

(b) No exemption under §§ 230.500 to 230.510 shall be available for any of the following securities:

(1) Fractional undivided interests in oil or gas rights as defined in § 230.300, or similar interests in other mineral rights.

(2) Certificates of interest as defined in § 230,360.

(3) Assessible securities.

(4) Securities of any "investment company" as defined in section 3 (a) of the Investment Company Act of 1940.

(5) Securities of any issuer if such issuer or any of its predecessors or affiliates:

(i) Has filed a registration statement which is the subject of pending proceedings under section 8 (b) 8 (d) or 8 (e) of the act or is subject to an order entered under any such section; or

(ii) Is subject to pending proceedings under § 230.509 or any similar rule adopted under section 3 (o) of the act, or to an order entered thereunder.

(6) Securities of any issuer if such issuer or any of its directors, officers, affiliates, or predecessors, any of its promoters presently connected with it in any capacity, or any underwriter of the securities to be offered hereunder:

(1) Has been convicted within five years preceding the filing of the notification required by \$.230.503 of any crime or offense involving the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer:

(ii) Is subject to any order, judgment or decree of any court entered within five years prior to the date of such filing, enjoining or restraining such person from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer or

(iii) Is subject to a United States Post Office fraud order.

(7) Securities of any issuer, if any of its directors, officers or affiliates, any of its promoters presently connected with it in any capacity or any underwriter of the securities to be offered hereunder, participated in or was connected with any offering of securities of any other issuer which has at any time been subject to:

(i) An order under section 8 (b) or 8(d) of the act;

(ii) An order under § 230.509 or under any similar section adopted under section 3 (b) of the act; or

(iii) A United States Post Office fraud order.

unless cause be shown as to why it is not necessary or appropriate in the public interest or for the protection of investors that the exemption be denied in the particular case.

(c) The exemption provided by §§ 230.500 to 230.510 shall terminate, as to any securities remaining unsold, if the issuer or any of its directors, officers or affiliates, any promoter presently connected with it in any capacity, any security holder on whose behalf any of the securities are being offered hereunder, or any underwriter of the securities being offered hereunder:

(1) Shall be convicted of any orime or offense involving the purchase or sale of any security or arising out of such person's conduct as an underwriter, broker, dealer or investment adviser, or as a proprietor, trustee, partner, director, officer, employee or salesman of any busi-

ness enterprise; or

(2) Shall be enjoined by any court from engaging in or continuing any act or practice in connection with the purchase or sale of any security or arising out of such person's conduct as an underwriter, broker, dealer or investment adviser, or as a proprietor, trustee, partner, director, officer, employee or salesman of any business enterprise;

unless cause be shown as to why it is not necessary or appropriate in the public interest of for the protection of investors that the exemption be terminated in the particular case.

(d) The exemption provided by §§ 230.500 to 230.510 shall be suspended, and no securities may be offered hereunder, during the pendency of:

(1) Any indictment of any person specified in paragraph (c) of this section for any crime or offense of the character specified in paragraph (c) (1) of this section:

(2) Any proceeding initiated by the Commission, or by any Canadian authority for the purpose of enjoining any such person from engaging in or continuing any act or practice of the character specified in paragraph (c) (2) of this section;

(3) Any proceeding under section 8 (b) 8 (d) or 8 (e) of the act with respect to the issuer or any of its affiliates;

unless cause be shown as to why it is not necessary or appropriate in the public interest or for the protection of investors that the exemption be suspended in the particular case.

§ 230.502 Amount of securities exempted. (a) The aggregate offering price of all of the following securities of the issuer, its predecessors and affiliates shall not exceed \$300,000:

(1) All securities of such persons presently being offered under this regulation or specified in the notification required by § 230.503 as proposed to be so offered;

(2) All securities of such persons previously sold pursuant to an offering under §§ 230,500 to 230,510 commenced within one year prior to the commencement of the proposed offering;

(3) All securities of such persons sold in violation of section 5 (a) of the act within one year prior to the commencement of the proposed offering; and

(4) All securities of such persons offered for cash outside of the United States concurrently with an offering

under §§ 230.500 to 230.510, except that in the case of an offering by the issuer to existing security holders on a pro rata basis pursuant to warrants or rights that portion of the offering made outside of the United States need not be included:

Provided, That the aggregate offering price of all securities of such persons so offered or sold on behalf of persons other than the issuer or issuers of such securities shall not exceed \$100,000.

(b) The aggregate offering price of securities which have a determinable market value shall be computed upon the basis of such market value as determined from transactions or quotations on a specified date within 15 days prior to the date of filing the notification required by § 230.503 or the offering price to the public, whichever is higher: Provided. That the aggregate gross proceeds actually received from the public shall not exceed the maximum aggregate offering price permitted, in the particular case, by paragraph (a) of this section.

(c) Unsold securities the offering of which has been withdrawn, by amend-ing the notification to reduce the amount stated therein as proposed to be offered, need not be included in computing the amount of securities which may be offered under this regulation subsequent to

such withdrawal.

§ 230.503 Filing of notification of Form 1-D. At least 15 days (Saturdays, Sundays and holidays excluded) prior to date on which the initial offering of any securities is to be made under §§ 230.500 to 230.510, there shall be filed with the principal office of the Commission in Washington, D. C., four copies of a notification on Form 1-D. The notification shall be signed by the issuer and by each person, other than the issuer, on whose behalf any of the securities are to be offered. If the notification is signed by any person on behalf of any other person, evidence of authority to sign on behalf of such other person shall be filed with the notification, except where an officer of the issuer signs on behalf of the issuer.

§ 230.504 Filing and use of offering circular. (a) No securities shall be offered orally or otherwise under §§ 230.500 to 230.510 unless an offering circular containing the informationspecified in paragraph (b) of this section is concurrently given or has previously been given to the person to whom the offer is made, or has been sent to such person under such circumstances that it would normally have been received by him at or prior to the time of the offering: Provided, That in case of transactions effected on a securities exchange, delivery of the offering circular shall be deemed to have been made if the issuer or any underwriter shall, prior to such transactions, furnish to such exchange a reasonable number of copies of such circular for delivery to any person or persons requesting copies thereof.

(b) The offering circular required by paragraph (a) of this section shall be dated and shall contain the following information, which may be included in or combined with any prospectus required by applicable Canadian law.

(1) The following statement on the outside front cover page of the offering circular in capital letters in type as large as that used generally in the body of the circular:

These securities are offered pursuant to an exemption from registration with the United States Securities and Exchange Commission. The Commission does not pass upon the merits of any securities nor does it pass upon the accuracy or completeness of any celling literature.

(2) The exact name and address of the issuer, the name of the Province or other jurisdiction in which it was incorporated or organized and the date of its incor-

poration or organization.

(3) A brief description of the kind of securities to be offered pursuant to §§ 230.500 to 230.510 and the amount to be offered. If any of such securities are to be offered for the account of security holders, state the name and address of each such security holder, the total amount owned and the amount to be offered. ("Amount" means the number of shares or other units, or if debt securities the face amount thereof.)

Note: See Supplemental Instructions to Regulation D (\$5 230.500 to 230.510), attached to Form 1-D, which indicate more specifically the information required.

- (4) A brief description of the method by which the securities are to be offered and if the offering is to be made through underwriters, the name and address of each underwriter and the amount of the participation of each such underwriter, indicating the nature of any material relationship between the issuer and any such underwriter.
- (5) The price at which the securities are to be offered to the public, the underwriting discounts or commissions and the proceeds to the issuer or other person on whose behalf the securities are offered. This information shall be furnished both on a per-unit basis and in the aggregate and shall also be given with respect to any concurrent offering of the same securities or securities of the same class in Canada. This information shall be set forth on the outside front cover page of the offering circular in tabular form.
- (6). The purposes for which the net cash proceeds to the issuer from the sale of the securities are to be used and the amount to be used for each such purpose, indicating how and in what order of priority the proceeds will be used.
- (7) A brief description of the business and property of the issuer.

Nore: See Supplemental Instructions to Regulation D (§§ 230.500 to 230.510), attached to Form 1-D, which indicate more specifically the information required.

(8) The full names and addresses of all directors and officers of the issuer: the aggregate annual remuneration of all such directors and officers as a group and the annual remuneration of each of the three highest-paid officers of the issuer: and the direct or indirect interests of all directors and officers of the issuer in the issuer and its affiliates and in any material transactions within the past two years or any material proposed transactions to which the issuer or any of its affiliates was or is to be a party. If the issuer was organized within the past three years, furnish similar information as to all promoters of the issuer.

(9) A brief description of all options or warrants presently outstanding or proposed to be granted to purchase securities of the issuer, including the names of the principal holders of such options, or warrants, the terms and conditions upon which they may be exercised and the price at which the securities may be acquired pursuant to such options or warrants.

(10) Appropriate financial statements of the issuer showing:

(i) The issuer's financial condition as of a date within ninety days prior to filing the notification, or such longer period of time, not exceeding six months. as the Commission may permit at the written request of the issuer upon a showing of good cause therefor; and

(ii) Its income, expenses and changes in surplus, or receipts and disbursements as appropriate, for a period of at least two full fiscal years prior to the date of the statement of financial condition and for the period, if any, between the close of the last full fiscal year and the date of such statement, or for the period of the issuer's existence if less than the period specified above.

Note: See Supplemental Instructions to Regulation D (\$\$ 230.500 to 230.510), attached to Form 1-D, which indicate more specifically the financial statements required.)

(c) The offering circular may be printed, mimeographed, lithographed or typewritten, or prepared by any similar process which will result in clearly legible copies. If printed, it shall be set in roman type at least as large as ten-point modern type, except that financial statements and other statistical or tabular matter may be set in roman type at least as large as eight-point modern type. All type shall be leaded at least two points.

(d) Four copies of the offering circular required by this section, which is to be used at the commencement of the offering, shall be filed with the notification required by § 230.503 at the time such notification is filed and shall be deemed a part thereof. If the offering circular is thereafter revised or amended, four copies of such revised or amended circular shall be filed with the Commission at least 15 days prior to its use, or such shorter period as the Commission may authorize upon a showing of good cause therefor.

§ 230.505 Use of limited written communications. Notwithstanding § 230 .-504, any written advertisement or other written communication which contains all of the information specified in paragraphs (a) through (e) of this section, but contains no other information, may be published or distributed at or after the commencement of the offering to any person prior to the sending or giving to such person of an offering circular containing the information required by § 230.504.

(a) The name of the issuer;(b) The general type of its business; (c) The title and pur-unit offering

price to the public of the securities to be offered:

(d) The name and address of the person or persons from whom an offering circular meeting the requirements of § 230.504 may be obtained; and

(e) A detachable form, substantially as follows, for use in requesting a copy of the offering circular.

§ 230.506 Other material to be filed. Four copies of every written or other communication (including those specified in § 230.505) prepared or authorized by the issuer or, any of its affiliates or any underwriter of the securities to be offered hereunder which is proposed to be sent or given, in addition to the offering circular, to more than ten persons shall be filed with the principal office of the Commission at least 15 days prior to any use thereof, or such shorter period as the Commission may authorize upon a showing of good cause therefor.

§ 230.507 Consent to service of process. (a) The issuer, each of its officers and directors, each person on whose be-half any of the securities are to be offered, and each underwriter of the securities to be offered, who is not a resident of the United States, shall, at the time of filing the notification required by § 230.503, furnish to the Commission, in a form acceptable to it, a written irrevocable consent and power of attorney which (1) designates the Securities and Exchange Commission as his or its agent upon whom may be served any process. pleadings or other papers in any civil suit or action, brought after the effective date of this section, arising out of any offering made or purported to be made under §§ 230.500 to 230.510 or any purchase or sale of any security in connection therewith against the person executing the power of attorney and (2) stipulates and agrees that any such civil suit or action may be commenced against the person executing the power of attorney in the appropriate courts of the United States, Federal, State or Territorial, by the service of process upon the Commission and the forwarding of copies thereof as provided in paragraph (b) of this section, and that the service of any such process, pleadings and other papers upon the Commission shall be taken and held in all courts to be as valid and binding as if due personal service thereof had been made upon the person executing such power of attorney

(b) Whenever any process, pleading or paper as aforesaid is served upon the Commission, it shall at once forward a copy of the same by registered mail to the appropriate defendants at their last address of record filed with the Commission. The Commission shall be furnished a sufficient number of copies for such purpose and one copy for its file. Service of any process, pleading or other paper on the Commission under this rule shall be made by delivering the requisite number of copies thereof to the Secretary of the Commission or such other person as the Commission may designate for such purpose.

§ 230.508. Prohibition of certain statements. No written or oral commu-

nication used in connection with any offering under §§ 230.500 to 230.510 shall contain any language stating or implying that the Commission has in any way passed upon the merits of, or given approval to, the securities offered or the terms of the offering, or has determined that the securities are exempt from registration, or has made any finding that the statements in any such communication are accurate or complete.

§ 230.509 Denial and suspension of exemption. (a) The Commission may, at any time after the filing of a notification, enter an order temporarily denying the exemption, or if the public offering has commenced, it may enter an order temporarily suspending the exemption, if it has reason to believe that:

(1) No exemption is available under §§ 230.500 to 230.510 for the securities purported to be offered hereunder or any of the terms or conditions of §§ 230.500 to 230.510 have not been complied with:

(2) The notification, the offering circular or any other sales literature contains any untrue statement of a material fact or omits to state a material fact necessary in order to make the statements-made, in the light of the circumstances under which they are made, not misleading; or

(3) Any device, scheme or artifice to defraud is being or would be employed in connection with the sale of the securities, or the offering is being or would be made in such manner as to operate as a fraud or deceit upon the purchaser.

(b) Upon the entry of an order under paragraph (a) of this section, the Commission will promptly give notice to the persons on whose behalf the notification was filed (1) that such order has been entered, together with a brief statement of the reasons for the entry of the order. and (2) that the Commission will, upon receipt of a written request, set the matter down for hearing within 20 days after the receipt of such request at a place to be designated by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall remain in effect until it is modified or vacated by the Commission. Where a hearing is requested or is ordered by the Commission, the Commission will, after notice of and opportunity for such hearing, either vacate the order or enter an order permanently denying or suspending the exemption.

(c) The Commission may at any time after notice of and opportunity for hearing, enter an order permanently suspending the exemption for any reason upon which it could have entered a temporary suspension order under paragraph (a) of this section. Any such order shall remain in effect until vacated by the Commission.

(d) All notices required by this section shall be given to the person or persons on whose behalf the notification was filed by personal service, registered mail or confirmed telegraphic notice at the addresses of such persons given in the notification. In addition, all such notices will be published in the Federal Register.

§ 230.510 Reports of sales under §§ 230.500 to 230.510. Within 30 days

after the end of each six-month period following the commencement of the offering of the securities under §§ 230.500 to 230.510, the issuer or other person on whose behalf the securities are offered shall file with the Commission four copies of a report on Form 2-D containing the information called for by such form. A final report may be made upon completion or termination of the offering prior to the end of the period in which the last sale is made.

[F. R. Doc. 53-2243; Filed, Mar. 12, 1953; 8:49 a. m.]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

SUBPART B—FORMS PERTAINING TO
EXEMPTIONS 1

§ 239.90 Form 1-A, Notification Under Regulation A.

\$ 239.91 Form 2-A, Report Pursuant to Rule 224 of Regulation A.

§ 239.111 Form 1-D, Notification Under Regulation D.

§ 239.112 Form 2-D, Report Pursuant to Rule 510 of Regulation D.

§ 239.113 Form 3-D, Irrevocable Appointment by Individual of Agent for Service of Process, Pleadings and Other Papers.

§ 239.114 Form 4-D, Irrevocable Appointment by Corporation of Agent for Service of Process, Pleadings, and Other Papers.

§ 239.115 Form 5-D, Certificate of Resolution Authorizing Irrevocable Appointment by Corporation of Agent for Service of Process, Pleadings and Other Papers.

§ 239.116 Form 6-D, Irrevocable Appointment by Partnership of Agent for Service of Process, Pleadings and Other Papers.

(Sec. 19, 48 Stat. 85, as amended; 15 U.S. C. 77s)

By the Commission.

[SEAL] ORVAL L. DuBois, Secretary:

March 6, 1953.

[F. R. Doc. 53-2240; Filed, Mar. 12, 1953; 8:48 a. m.]

PART 240—GENERAL RULES AND REGULA-TIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

ANNUAL REPORTS TO OTHER FEDERAL AGENCIES

Purpose of rule. On December 12, 1952, the Commission published notice that it had under consideration the adoption of a rule, to be designated § 240.12b-33 (Rule X-12B-33) under the Securities Exchange Act of 1934, with respect to the filing with the Commission and with securities exchanges of copies of annual reports to other Federal agen-

¹Filed as part of the original document.

cies. The Commission has considered all of the comments and suggestions received and has determined that the proposed rule should be adopted as published.

The new rule provides that where copies of such reports are required or permitted to be filed as exhibits to applications or reports filed with the Commission, only one copy of such exhibit need be filed, instead of three, or in some cases four, as heretofore required. Similarly, only one copy of such exhibits need be filed with any securities exchange.

Statutory basis. This action is taken pursuant to the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act.

The text of the rule is as follows:

§ 240.12b-33 Annual reports to other Federal agencies. Notwithstanding any rule or other requirement to the contrary, whenever copies of an annual report by a registrant to any other Federal agency are required or permitted to be filed as an exhibit to an application or report filed by such registrant with the Commission or with a securities exchange, only one copy of such annual report need be filed with the Commission and one copy thereof with each such exchange, provided appropriate reference to such copy is made in each copy of the application or report filed with the Commission or with such exchange.

Since the new rule relieves a previously existing restriction, and is permissive in its application, the Commission finds it appropriate to make it effective upon publication. Accordingly, the rule shall become effective March 5, 1953.

'(Sec. 23, 48 Stat. 901, as amended; 15 U.S. C. 78w)

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

> MARCH 5, 1953.

[F. R. Doc. 53-2239; Filed, Mar. 12, 1953; 8:48 a. m.1

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II — Federal Housing Administration, Housing and Home **Finance Agency**

Subchapter D-Multifamily and Group Housing Insurance

PART 243—COOPERATIVE HOUSING INSUR-ANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

RIGHTS AND DUTIES IN CONNECTION WITH INDIVIDUAL MORTGAGES

Section 243.10 (g) is hereby amended to read as follows:

(g) Nothing contained in this section shall be construed so as to prevent the mortgagee, with the written consent of the Commissioner, from taking action at a later date than herein specified. If at any time during default the mortgagor is a "person in military service," as such term is defined in the Soldiers' and Sailors' Civil Relief Act of 1940, the period during which he is in such service shall be excluded in computing the 1-year period within which the mortgagee shall commence foreclosure or acquire the property by other means as provided in this section and no postponement or delay in the prosecution of foreclosure proceedings during the period the mortgagor is in such military service shall be construed as failure on the part of the mortgagee to exercise reasonable diligence in prosecuting such proceedings to completion as required by this section. If the mortgagor is a person in military service as defined in the Soldiers' and Sailors' Civil Relief Act of 1940, the mortgagee may, by written agreement with the mortgagor, postpone for the period of military service, and 3 months thereafter, that part of the monthly payment, or any part thereof which represents amortization of principal, provided such agreement contains a provision for the resumption of monthly payments thereafter in amounts which will completely amortize the mortgage debt within its original maturity. Such agreement, however, will in no way affect the amount of the annual mortgage insurance premium which will continue to be calculated in accordance with the original amortization provisions.

2. Section 243.10 (h) (1) is hereby amended to read as follows:

(1) Debentures of the Housing Insurance Fund as set forth in section 204 of the act, issued as of the date foreclosure proceedings were instituted or the property was otherwise acquired by the mortgagee after default, bearing interest at the rate of 21/2 percent per annum payable semiannually on the first day of January and the first day of July of each year, and have a total face value equal to the value of the mortgage as defined in section 204 (a) of the act. Such value shall be determined by adding to original principal of the mortgage, which was unpaid on the date of the institution of foreclosure proceedings or the acquisition of the property otherwise after default, the amount of all payments, which have been made by the mortgagee for taxes, ground rent and water rates, which are liens prior to the mortgage, special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage, insurance on the property mortgaged and any mortgage insurance premium paid after the institution of foreclosure proceedings or the acquisition of the property otherwise after default, and by deducting from such total any amount received on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property otherwise after default and from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property Provided, however That there will be included in the debentures issued by the Commissioner, on account of foreclosure costs actually paid by the mortgagee and approved by the Commissioner an amount not in ex-

cess of % of such costs or \$75, whichever is the greater: Provided further. That with respect to mortgages to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, apply, there shall be included in the debentures an amount which the Commissioner finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of insurance premiums by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means during any part or all the period of such military service and 3 months thereafter. Such debentures shall be registered as to principal and interest and all or any such debentures may be redeemed, at the option of the Commissioner with the approval of the Secretary of the Treasury, at par and accrued interest on any interest payment day on 3 months' notice of redemption given in such manner as the Commissioner shall prescribe.

(Sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies see. 114, 64 Stat. 54; 12 U. S. C. 1715e)

Issued at Washington, D. C., March 6.

Walter L. Greene. Federal Housing Commissioner.

[F. R. Doc. 53-2227; Filed, Mar. 12, 1953; 8:45 a. m.l

TITLE 32—NATIONAL DEFENSE Chapter V—Department of the Army

Subchapter G-Procurement

PART 605—ARMY EMERGENCY FACILITIES DEPRECIATION BOARD

TREATMENT OF DEPRECIATION ON EMER-GENCY FACILITIES COVERED BY CERTIFI-CATES OF NECESSITY FOR CONTRACT PRIC-ING PURPOSES

A new Part 605, including §§ 605.1 to CO5.3, is added as follows:

695.1 Purpose.

695.3 Function of the Board.

Authority: \$\$ 605.1 to 605.3 insued under C4 Stat. 733-822, as amended; 50 U.S. C. App. Sup. 2061-2166.

Source: Proc. Cir. 6, Feb. 12, 1953.

§ 605.1 Purpose. The purpose of this part is to implement Defense Mobilization Order No. 11, Amendment 1, issued by the Acting Director of Defense Mobilization, effective July 21, 1952, Department of Defense Directive No. 4105.34 dated December 10, 1952 (Part 121 of this title) and to establish within the Department of the Army a board to act upon cases with respect to the extent to which accelerated amortization may be allowed as a cost in negotiated contract pricing.

§ 605.2 Establishment of the Board. (a) In order to accomplish the requirement contained in the DOD Directive 4105.34 dated December 10, 1952 (Part 121 of this title) a Departmental board is established under the administration of the Assistant Chief of Staff, G-4, to be designated as the "Army Emergency Facilities Depreciation Board" hereinafter referred to as "the Board." Board shall consist of three members, one of which shall be designated chairman. One member will be designated as the liaison representative of the Board to the similar boards established by the Department of the Air Force and the Department of the Navy

(b) The Board is hereby authorized to determine true depreciation of emergency facilities for which the Defense Production Administration issues or has issued Certificates of Necessity. Board shall make determinations of true depreciation in accordance with the basic principles and other provisions of the referenced Department of Defense Directive 4105.34 (Part 121 of this title) and the provisions of this part. The determinations of the Board shall be binding upon all Army procuring activities, the Army Audit Agency, and the other military departments (as provided in the referenced DOD Directive) with respect to the amount of true depreciation which shall be used in computing and allocating depreciation costs of emergency facilities in the contract pricing of negotiated contracts. The Board will only make determinations of true depreciation on requests of Contractors having defense contracts where the prices have not been finally determined or redetermined (paragraph (c) (2) of this section and § 121.2 (b) of this title)

(c) (1) Requests for determinations of true depreciation with respect to certificates issued prior to December 10, 1952, will be submitted in writing by Contractors directly to the Board. Decisions of the Board will be transmitted by the Board to the Contractor concerned, Army procuring activities, the Army Audit Agency and the Emergency Facilities Depreciation Boards of the Departments of the Navy and the Air Force.

(2) Requests for determinations of true depreciation with respect to certificates issued subsequent to December 10. 1952, will be transmitted through normal procurement channels to the Defense Production Administration for estimate true depreciation. The Defense Production Administration estimates will be channeled directly to the Board for review, determination and disemination to all Army procuring activities. the Army Audit Agency and the Emergency Facilities Depreciation Boards of the Departments of the Navy and Air

Force. (3) The Contractor shall submit to the Army, Navy or Air Force Emergency Facilities Depreciation Board (as appropriate), his request for a determination of true depreciation (original and four copies) The request shall contain the information indicated below. With regards to certificates issued prior to December 10, 1952, the Contractor shall, to the extent practicable, include all certificates issued in connection with any individual plant or location which he desires to have considered for determination of true depreciation in connection with defense contracts. The responses to these questions may be in narrative or tabular form as the Contractor deems best suited to his circumstances with such amplification as he considers necessary. If the Contractor considers a given question to be inapplicable in his particular case, then he should so state and give reasons therefor.

(i) (a) Name and address of Contractor.

(b) Location of the facility or facilities.

(c) Summary of the cost of the facilities (segregated by individual necessity certificates) substantially as follows:

Cost			Date of comunic	Dancant coult		
Land	Buildings and fixed installations	Equipment	Other	Total '	Date of comple- tion	Porcent certi- fied

(ii) Photostats or similar facsimiles of Necessity Certificate(s) (Form DPAL-101) and a copy of the application(s) (including supporting documentation) to the Defense Production Administration therefor.

(iii) (a) When did you first authorize your expansion program in connection with the Necessity Certificate(s)?

(b) Why did you plan this expansion program?

(iv) What military contracts and subcontracts do you now have requiring the use of each facility? For each contract and subcontract furnish the following:

(a) Contract number.

(b) Total dollar value.(c) Undelivered dollar value.

(d) Estimated completion date.

(e) Type of contract. (CPFF CPFFfixed overhead, fixed price, fixed priceredetermination, fixed price-incentive,

(v) With which military departments or military Contractors are you now negotiating or do you expect to negotiate for proposed new procurements? Indicate type of product, and item and estimated dollar amount.

(vi) Have you requested a determination of "true depreciation" for other facilities from any other military department(s)?

(a) Yes or no.(b) Department(s)

(c) Certificate file number(s)

(vii) State for each item or by groups or categories comprising similar type of items on Appendix A of Necessity Certificate(s)

(a) (1) Annual normal depreciation rate currently approved by the Bureau of Internal Revenue for income tax purposes.

(2) Rate at which item is being depreciated by you in your operating accounting records.

(3) Rate being used for military contract pricing.

(b) Is this item, group or category.integrated in or isolated from the production process to the extent that special consideration should be given to it in determining true depreciation?

(c) Is this item, group or category convertible to your possible post-emergency operations?

(1) Fully or partially and percent of original cost not convertible.

(2) Estimate of useful remaining life m years.

(3) Not convertible.

(d) What plans do you have for the use or disposition of this facility, item, group or category after the emergency period?

(e) Explain to what extent, if any, the facility item, group or category may cause prospective extraordinary obso-lescence of pre-existing facilities which are not, in fact, already obsolete.

(f) Describe briefly and state cost of any special construction features included in this facility, item, group, or category which were made necessary exclusively by defense production requirements.

(viii) State any additional information other than that submitted above which should be taken into consideration in making a determination of true depreciation for this facility, item, group or category

(ix) State your estimate of true depreciation for each facility, item, group or category and your evaluation of the above facts to support such estimate.

(4) The submissions by the Contractor will be signed by a responsible official of the company and will include the following certificate:

I hereby certify that the information contained in the foregoing request is true and correct to the best of my knowledge and

(5) In submissions for new necessity certificates, the above information shall be appended together with appropriate information by the procuring activities in its processing of applications for Certificates of Necessity and forwarded through the appropriate procurement channels to the Defense Production Administration together with a request that the estimate of true depreciation be determined. The issuance of the certificates and the determinations of true depreciation shall be returned directly to the Board for review and dissemination to all Army procuring activities, the Army Audit Agency and the Emergency Facilities Depreciation Boards of the Navy and the Air Force.

(d) Requests for determinations re-ceived by the Board involving facilities as to which the Department of the Navy or the Department of the Air Force is responsible for the making of determinations of true depreciation, pursuant to the provisions of § 121.3 (g) of this title, shall be forwarded by the Board to the Emergency Facilities Depreciation Board of the responsible department. Assignments to each departmental board shall be made in accordance with the provisions of § 121.3 (g) of this title. On cases involving questionable assignments, the majority vote of the joint liaison committee shall govern. A joint assignment list shall be compiled and maintained by a liaison committee consisting of one representative to be designated by each Board.

(e) Request for determination of true depreciation submitted by Contractors shall set forth information pursuant to regulations to be developed jointly by the boards of the Military Departments (or their liaison committee) by February 1, 1953, which shall then be promptly published in the Federal Register.

§ 605.3 Function of the Board—(a) Duties and responsibilities of Board.
(1) The primary function of the Board is to determine, upon written request of Contractors, the amount of true depreciation of emergency facilities covered by Certificates of Necessity in accordance with existing directives.

(2) The Board will keep minutes of its proceedings and maintain a permanent record of the basis on which all

determinations were made.

(3) It will forward five copies of each determination of the Board to each of the Departments of the Air Force and Navy Emergency Facilities Depreciation Board. The Board will transmit its determination direct to the Contractor concerned.

(4) The Board will receive from the Air Force and Navy Boards copies of their determinations and will forward after reproduction one copy to each of the Technical Services, Army Commanders and the Army Audit Agency.

- (5) It will appoint a representative and an alternate to serve on a liaison committee consisting of three members, one from each Department of National Defense. The committee will compile and maintain a joint assignment list of Contractors and will meet to discuss mutual problems which will be involved in the accomplishment of the mission pursuant to § 605.2 (b)
- (6) The Board may request Defense Production Administration to furnish available information which would be pertinent in determining true depreciation in those cases where DPA has already issued a Certificate of Necessity and the necessary information is not otherwise available.
- (7) The Board will receive estimates of true depreciation made by DPA on all certificates issued on or after December 10, 1952. On future application for certification the procurement agency will furnish in accordance with existing directives, such factual information as it has at the time it notifies DPA of the need for the facilities for defense purpose and shall request DPA for an estimate of true depreciation.
- (8) The Board is authorized to call upon the Army Commands, the Technical Services and any field office of the Department of the Army for information and assistance in reaching its determination.

(9) In determining the amount of true depreciation, the amount to be apportioned to the five (5) year emergency period, the following factors will be considered:

(i) When the company first planned its expansion program? Except in very unusual circumstances no company, which planned to expand prior to the passage of the National Production Act of 1950, would be entitled to more than normal depreciation for contract pricing. Planning prior to the enactment of the Bill (H. R. 9176, 81st Congress, 2d Session) would indicate the company had predetermined that normal depreciation for pricing purposes would cover the risk even without the tax benefit.

(ii) Why did the company plan its expansion program? With the rapid advances which have been made in recent years in the several categorical fields; i.e., automotive, aeronautical, electronic, photographic, etc., normal facilities improvements would be required in order for the company to remain in competition with other companies in the same field. Such requirements should be taken into consideration in determining true depreciations.

(iii) The effect of the increased expenditure in capital investments on the financial structure of the firm should have no bearing on the determination. There are other types of relief which should be considered in such instances.

(iv) Before accepting a case for study and review the Board should determine that the Army has jurisdiction in the case. If there is any question, the Board should refer the case to the liaison committee to determine which Department should have jurisdiction.

(v) Contractors may request the Board to make determinations of true depreciation for facilities on which no certificate of necessity has been issued. The Board's responsibility is limited by all directives, however, to determinations on facilities covered by certificates of necessity, and no action will be taken by the Board on facilities not covered by certificates of necessity. Such facilities should be subject to depreciation calculated by using Bulletin F of the Treasury Department as a guide.

(vi) Contractors may request the Board to make determinations of the effect of true depreciation on existing prices which are subject to adjustment under the terms of the Defense Directive. If the Board elects to do so, it may make such determination but only after coordination with the interested procuring officers on phases of pricing other than the determination of true depreciation. Such other matters would include original negotiations of overhead pools and profit or fee.

(vii) The Board should make separate determinations for each type of facility (as, for example, buildings, machine tools, other equipment) Nothing in this Directive shall be deemed to preclude plant visit, hearing of contractor's oral presentations or any other means available to ascertain complete facts and circumstances by the members of the board or agents thereof in order to arrive at an equitable and proper determination

of true depreciation. The size and complexity of the request will determine the best method of making the proper determination.

[SEAL] WH. E. BERGIN,

Major General, U. S. Army,

The Adjutant General.

[F. R. Doc. 53-2289; Filed, Mar. 12, 1953; 8:54 a. m.]

Chapter VI—Department of the Navy

Subchapter D—Procurement, Property, Pafents, and Contracts

PART 743—NAVY EMERGENCY FACILITIES DEPRECIATION BOARD

Sec.

743.1 General provisions. 743.2 Procedure.

Appendix A—Information to be submitted by contractors to the Board to support requests for determination of true depreciation on emergency facilities covered by certificates of necessity.

AUTHORITY: §§ 743.1 and 743.2 issued under 64 Stat. 798–822, as amended; 50 U.S. C. App., Sup., 2061–2166.

Source: Navy Current Procurement Directive 63-53.

§ 743.1 General provisions — (a) Establishment and purpose. (1) There is hereby established in the Office of Naval Material a board designated the "Navy Emergency Facilities Depreciation Board" (hereinafter referred to as "the Board"). The Board shall consist of three members, one of whom shall be the Chairman. Any two members of the Board shall constitute a quorum. The concurrence of any two members of the Board shall be necessary in arriving at determinations of the Board.

(b) Jurisdiction; scope. (1) The Board is hereby authorized, upon written requests of contractors, to determine true depreciation of emergency facilities for which the Defense Production Administration or the Office of Defense Mobilization issues or has issued Certificates of Necessity and for which the Department of the Navy has the responsibility for the making of such determinations. The Board shall make determinations of true depreciation in accordance with the hasic principles and other provisions of §§ 121.1 to 121.4 of this title and the provisions of this part.

(2) The Board, in its discretion, may

 Provide for hearing oral presentations by contractors.

(ii) Conduct plant visits by its members or representatives.

(iii) Develop by other available means the facts required for the making of a determination.

(3) The Board shall maintain a record of its proceedings. The determinations of the Board shall be binding upon all Navy procuring activities, the Cost Inspection Service of the Bureau of Supplies and Accounts, and the other military departments, as provided in §§ 121.1 to 121.4 of this title, with respect to the amount of true depreciation which shall be used by them in computing and allocating depreciation costs of emergency

facilities covered by Certificates of Necessity in the contract pricing or repricing of "negotiated centracts" (as that term is defined in § 121.2 (a) of this title)

§ 743.2 Procedure—(a) Requests for determinations. (1) Requests of contractors for determinations of true depreciation with respect to Certificates of Necessity issued prior or subsequent to December 10, 1952, will be submitted by contractors directly to the Board. Each determination made by the Board will be transmitted by the Board to the contractor concerned, Navy procuring activities, the Cost Inspection Service of the Bureau of Supplies and Accounts, and the Emergency Facilities Depreciation Boards of the Departments of the Army and the Air Force.

(2) The Office of Naval Material (Code MO4B) in connection with the processing and forwarding of applications for Certificates of Necessity to the Office of Defense Mobilization, shall request that the Office of Defense Mobilization make an estimate of true depreciation with respect to the facility covered by such application and that the Office of Defense Mobilization transmit such estimate directly to the Board. Where a request is made by a contractor for a determination of true depreciation with respect to a facility covered by a Certificate of Necessity issued subsequent to December 10, 1952, and a request has not been made to the Office of Defense Mobilization for an estimate of true depreciation with respect to such facility in accordance with the procedure set forth in this subparagraph, the Board shall make such request directly to the Office of Defense Mobilization.

(3) Requests for determinations received by the Board involving facilities as to which the Department of the Army or the Department of the Air Force is responsible for the making of determina--tions of true depreciation, pursuant to the provisions of § 121.4 (g) of this title. shall be forwarded by the Board to the Emergency Facilities Depreciation Board of the responsible department. Assignments to each departmental board shall be made in accordance with the provisions of § 121.4 (g) of this title. A liaison committee consisting of one representative to be designated by each board shall. in addition to such other duties as may be assigned to it by joint action of the three boards, make assignments in cases where the responsibility for the making of the determination is in doubt and shall compile and maintain a master assignment list.

(b) Form of requests for determinations. (1) Requests for determinations of true depreciation submitted by contractors shall:

(i) Set forth the information called for by the provisions of Appendix A of this part.

(ii) Be signed by a responsible official of the contractor.

(iii) Contain the following certification by the official signing the request:

I hereby certify that the information contained in the foregoing request is true and correct to the best of my knowledge and Note: The regulations contained in $\S\S$ 743.1 to 743.2 implement $\S\S$ 121.1 to 121.4 of this title; 17 F. R. 11437.

APPENDIX A-INFORMATION TO BE SUBMITTED BY CONTRACTORS TO THE BOARD TO SUPPORT REQUESTS FOR DETERMINATION OF TRUE DE-PRECIATION ON EMERGENCY FACILITIES COV-ERED BY CERTIFICATES OF NECESSITY

The Contractor shall submit to the Army Navy or Air Force Emergency Facilities Depreciation Board (as appropriate), his request for a determination of true depreciation (original and four copies). The request shall contain the information indicated below. With regard to certificates issued prior to December 10, 1952, the Contractor shall,

to the extent practicable, include all cortificates issued in connection with any individual plant or location which he desires to have considered for determination of true depreciation in connection with defense contracts. The responses to these questions may be in narrative or tabular form as the Contractor deems best suited to his circumstances with such amplification as he considers necessary. If the Contractor considers a given question to be inapplicable in his particular case, then he should so state and give reasons therefor.

L (a) Name and address of Contractor.

(b) Location of the facility or facilities.(c) Summary of the cost of the facilities (segregated by individual necessity certifi-cates) substantially as follows:

g Cost			Cost		Data of comple	Dougont coult
Land	Buildings and fixed installations	Equipment	Other	Total	Date of comple- tion	Percent certi- fied
		-				

2. Photostats or similar facsimiles of Necessity Certificate(s). (Form DPAL-101), and a copy of the application(s) (including supporting documentation) to the Defense Pro-

duction Administration therefor.

3. (a) When did you first authorize your expansion program in connection with the Necessity Certificate(s)?

(b) Why dd you plan this expansion program?

4. What military contracts and subcontracts do you now have requiring the use of each facility? For each contract and subcontract furnish the following:

(a) Contract number.(b) Total dollar value.

Undelivered dollar value. (c)

(d) Estimated completion date.

(e) Type of contract. (CPFF, CPFF-fixed overhead, fixed price, fixed price-redetermination, fixed price-incentive, etc.)
5. With which military departments or military Contractors are you now negotiating

or do you expect to negotiate for proposed new procurements? Indicate type of prod-uct, end item and estimated dollar amount.

6. Have you requested a determination of "true depreciation" for other facilities from any other military department(s)?

(a) Yes or No.
(b) Department(s).

(c) Certificate File Number(s).

7. State for each item or by groups or categories comprising similar type of items on Appendix A of Necessity Certificate(s) (a). (1) Annual normal depreciation rate

currently approved by the Bureau of Internal Revenue for income tax purposes.

(2) Rate at which item is being depreciated by you in your operating accounting records.

(3) Rate being used for military contract pricing.

(b) Is this item, group or category inte-grated in or isolated from the production process to the extent that special consideration should be given to it in determining true depreciation?

(c) Is this item, group or category convertible to your possible post-emergency operations?

(1) Fully or partially and percent of original cost not convertible.

(2) Estimate of useful remaining life in vears.

(3) Not convertible.(d) What plans do you have for the use or disposition of this facility, item, group or category after the emergency period?

7. (e) Explain to what extent, if any, the facility, item, group or category may cause prospective extraordinary obsolescence of pre-existing facilities which are not, in fact, already obsolete.

(f) Describe briefly and state cost of any special construction features included in this facility, item, group or category which were made necessary exclusively by defense production requirements.

8. State any additional information other than that submitted above which should be taken into consideration in making a determination of true depreciation for this facility, item, group or category.
9. State your estimate of true depreciation

for each facility, item, group or category and your evaluation of the above facts to support such estimate.

> R. B. ANDERSON. Secretary of the Navy.

MARCH 9, 1953.

[F. R. Doc. 53-2281; Filed, Mar. 12, 1953; 8:54 a. m.]

Chapter VII—Department of the Air Force

Subchapter J-Procurement Procedures

PART 1021-AIR FORCE EMERGENCY FACIL-ITIES DEPRECIATION BOARD

Part 1021 is added to Subchapter J as follows:

Sec.

1021.1 General.

1021.2 Procedures.

1021.3 Contractor information on true depreciation.

1021.4 .Implementation.

Appendix A-List of contractor information on true depreciation.

AUTHORITY: §§ 1021.1 to 1021.4 issued under 64 Stat. 798-822, as amended; 50 U.S. C. App., Sup., 2061-2166.

DERIVATION: AFMPE 160.

CROSS REFERENCE: For the Department of Defense directive on Treatment of Depreciation on Emergency Facilities Covered by Certificates of Necessity for Contract Pricing Purposes, which this part implements, see Part 121 of this title (17 F. R. 11437).

§ 1021.1 General—(a) Establishment and composition of the Board. The Commanding General, Air Materiel Command, shall establish and appoint a board designated the "Air Force Emergency Facilities Depreciation Board" (hereinafter referred to as the Board) The Board shall consist of three members, one of whom shall be designated Chairman. Any two members of the Board shall constitute a quorum. The concurrence of any two members of the Board shall be necessary in arriving at decisions of the Board. Authority to appoint members of the Board and to designate a Chairman may be delegated to the Director of Procurement and Production, Headquarters, Air Materiel Command with power to redelegate such authority to the Chief, Procurement Division, Headquarters, Air Materiel Command without authority of further redelegation.

(b) Function and jurisdiction of the Board. The Board, upon written requests of the contractors therefor, shall determine true depreciation of emergency facilities for which the Defense Production Administration issues or has issued Certificates of Necessity in accordance with the basic principles and other provisions of Part 121 of this title The determinations of (17 F. R. 11437) the Board shall be binding upon all Air Force purchasing and contract auditing activities and other military departments (as provided in Part 121 of this title) with respect to the amount of true depreciation which shall be used by such activities in computing and allocating depreciation costs of emergency facilities covered by Certificates of Necessity in the contract pricing of negotiated contracts. The Board shall designate a liaison representative to act with representatives of the Department of the Army and the Department of the Navy to perform such coordinating functions as may be required under Part 121 of this title.

§ 1021.2 Procedures. (a) Requests for determination of true depreciation with respect to Certificates of Necessity issued prior or subsequent to December 10, 1952, will be submitted by the contractors directly to the Board. The Board may, in its discretion, (1) provide for hearing oral presentations by contractors, (2) conduct plant visits.by its members or representatives, or (3) develop by other available means the facts required for the making of a determination. The Board will keep minutes of its proceedings and maintain a permanent record of the facts and other considerations entering into the determinations made. Determinations of the Board will be transmitted by the Board to the contractor concerned, Air Force procurement activities concerned, the Auditor General, Headquarters Liaison Office, Wright-Patterson Air Force Base, Ohio, and the Emergency Facilities Depreciation Board of the Departments of the Army and the Navy.

(b) Requests for determination received by the Board involving facilities as to which the Department of the Army or the Department of the Navy is responsible for the making of determinations of true depreciation pursuant to the

provisions of § 121.4 (g) of this title (17 F. R. 11439) shall be forwarded by the Board to the Emergency Facilities Depreciation Board of the responsible departments. Assignments to each departmental Board shall be made in accordance with the provisions of § 121.4 (g) of this title. A liaison committee consisting of one representative to be designated by each Board shall, in addition to such other functional duties as may be assigned to it by joint action of the three Boards, make assignments in doubtful cases and shall compile and maintain a master assignment list.

(c) Except as provided in subparagraphs (2) and (3) of this paragraph, Air Materiel Command in processing applications for Certificates of Necessity to the Defense Production Administration through the Director of Industrial Resources, Headquarters, United States Air Force, shall:

(1) Include therewith requests for estimates of true depreciation by Defense Production Administration and the transmittal of such estimates by Defense Production Administration directly to the Air Force Board. Appropriate information similar to that required by § 1021.3 shall be appended to such request.

- (2) With regard to certificates and application therefor, which are in process between December 10, 1952, and the promulgation of this part, requests to Defense Production Administration for estimates of true depreciation may be processed together with appropriate information, when available, at a later date.
- (3) Where a request is made by a contractor for a determination of true depreciation with respect to a facility covered by a certificate of necessity issued subsequent to December 10, 1952, and a timely request to the Defense Production Administration for an estimate of true depreciation with respect to such facility has not been made possible, the Board shall require the contractor to furnish the information required by § 1021.3 and may submit such information directly to

the Defense Production Administration. together with a request for an estimate of true depreciation in accordance with § 121.4 (a) of this title.

§ 1021.3 Contractor information on true depreciation. Requests for determinations of true depreciation submitted by contractors shall (a) set forth the mformation called for by the provisions of Appendix A to this part, (b) he signed by a responsible official of the contractor, and (c) contain the following certification by the official signing the request:

I hereby certify that the information contained in the foregoing request is true and correct to the best of my knowledge and

§ 1021.5 Implementation. Further implementation of Part 121 of this title (including those necessitated by revisions of this part) will be made by the Commanding General, Air Materiel Command.

APPENDER A-LIST OF CONTENCTOR INFORMA-TION ON THUE DEFECTATION

Information to be submitted by contractors to the Board to support requests for determination of true depreciation on emergency facilities covered by Certificates of Necessity. The Contractor shall submit to the Army, Navy or Air Force Emergency Fa-cilities Depreciation Board (as appropriate), his request for a determination of true depreciation (original and four copies). request shall contain the information indicated below. With regard to certificates is-sued prior to December 10, 1952, the contractor shall, to the extent practicable, include all certificates issued in connection with any individual plant or location which he desires to have considered for determination of true depreciation in connection with defence contracts. The responses to these questions may be in narrative or tabular form as the contractor deems hest suited to his circumstances with such amplification as he considers necessary. If the contractor considers a given question to be inapplicable in his particular case, then he should so state and give reasons therefor.

1. (a) Name and address of Contractor.
(b) Location of the facility or facilities.
(c) Summary of the cost of the facilities (acgregated by individual necessity certificates) substantially as follows:

Cost			Date of comply	Percent certi-		
Lond	Buildings and fixed installations	S Equipment Other Total		Total	Date of compla- tion	fid

Necessity Certificate No. ... Location of Facilities (City and State)

- 2. Photostats or similar faccimiles of Necessity Certificate(s) (Form DPAL-101), and a copy of the application(s) (including supporting documentation) to the Defence Production Administration therefor.
- 3. (a) When did you first authorize your expansion program in connection with the Necessity Certificate(s)?
- (b) Why did you plan this expansion pro-
- 4. What military contracts and subcontracts do you now have requiring the use of each facility? For each contract and subcontract furnish the following:

 - (a) Contract number.
 (b) Total dollar value.

- (c) Undelivered dollar value.(d) Estimated completion date.
- (e) Type of contract. (CPFP, CPFF-fixed overhead, fixed price, fixed price-redetermination, fixed price-incentive, etc.)
- 5. With which military departments or military contractors are you now negotiating or do you expect to negotiate for proposed new procurements? Indicate type of product, end item and estimated dollar amount.
- 6. Have you requested a determination of "true depreciation" for other facilities from any other military department(s)?
 - (a) Yes or no.
 - (b) Department(s).
 - (o) Certificate file number(s).

7. State for each item or by groups or categories comprising similar type of items on Appendix A of Necessity Certificate(s)

(a) (1) Annual normal depreciation rate currently approved by the Bureau of Internal Revenue for income tax purposes.

(2) Rate at which item is being depreciated by you in your operating accounting records.

(3) Rate being used for military contract

- pricing.
 (b) Is this item, group or category integrated in or isolated from the production process to the extent that special consideration should be given to it in determining true depreciation?
- (c) Is this item, group or category convertible to your possible post-emergency operations?

(1) Fully or partially and percent of original cost not convertible.

(2) Estimate of useful remaining life in

(3) Not convertible.
(d) What plans do you have for the use or disposition of this facility, item, group or category after the emergency period?
(e) Explain to what extent, if any, the fa-

cility, item, group or category may cause prospective extraordinary obsolescense of pre-existing facilities which are not, in fact, already obsolete.

(f) Describe briefly and state cost of any special construction features included in this facility, item, group or category which were made necessary exclusively by defense production requirements.

8. State any additional information other than that submitted above which should be taken into consideration in making a determination of true depreciation for this facility, item, group or category.

9. State your estimate of true depreciation for each facility, item, group, or category and your evaluation of the above facts to support such estimate.

Note: Requests for determination of true depreciation, including the information required by this Appendix, will be submitted by the contractor directly to the Air Force Emergency Facilities Depreciation Board at Headquarters, Air Materiel Command, Wright-Patterson Air Force Base, Ohio, Attn: MCPP-7, or to the local administrative contracting officer who will forward it directly to the Board.

[SEAL]

K. E. THIEBAUD, Colonel, U.S. Air Force, Air Adjutant General.

[F. R. Doc. 53-2279; Filed, Mar. 12, 1953; 8:54 a. m.]

TITLE 32A—NATIONAL DEFENSE, **APPENDIX**

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Overriding Regulation 23, Amdt. 71

GOR 23—TERRITORIAL EXEMPTIONS

EXEMPTIONS IN ALASKA, HAWAII, THE VIRGIN ISLANDS, AND THE COMMONWEALTH OF PUERTO RICO

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General, Order No. 2, this Amendment 7 to General Overriding Regulation 23 is hereby issued.

STATEMENT OF CONSIDERATIONS

The President of the United States has announced that he does not intend to ask for a renewal of price control authority on April 30, 1953, when the present legislation expires. He has stated that in the meantime steps will be taken to eliminate controls in an orderly man-ner. The Office of Price Stabilization has been instructed to proceed accordingly.

This amendment exempts from price control the following:

1. All sales of antifreeze in the Territory of Alaska.

2. All sales of concrete blocks in the Virgin Islands.

3. All sales of milk in the Juneau, Alaska, area.

4. All sales of used steel drums in the Territory of Alaska.

5. All sales of rice in Alaska, Hawaii, the Virgin Islands and the Commonwealth of Puerto Rico.

This amendment also adds to the Ceiling Price Regulations revoked in section 2.2, Territorial Supplementary Regulation 1 to Ceiling Price Regulation 34, dry cleaning and finishing and commercial laundry services in the Virgin Islands, and Ceiling Price Regulation 103, covering sales of new cars in the Territory of Hawaii. The sale of laundry services, and of new cars in Hawali, have pre-viously been exempted by the OPS. These regulations are added to the list of revoked regulations simply for the purpose of providing a convenient listing of territorial regulations which have been revoked.

In view of the special nature and basis of this amendment, consultations with industry representatives were impracticable and unnecessary.

AMENDATORY PROVISIONS

- 1. Section 2.2 (a) of General Overriding Regulation 23 is amended by adding the following items:
 - (8) Ceiling Price Regulation 111.
 - (9) Ceiling Price Regulation 144.
 - (10) Ceiling Price Regulation 159.
- (11) Ceiling Price Regulation 160.
- (12) Territorial Supplementary Regulation 1 to Ceiling Price Regulation 34.
- (13) Ceiling Price Regulation 103, Revision 1:
- 2. Section 3.2 of General Overriding Regulation 23 is amended by adding the following new paragraphs:
- (d) All commodities, the ceiling prices of which would otherwise be established by the General Ceiling Price Regulation.
- (e) Rice at all levels of distribution. (Sec. 704, 64 Stat. 816, as amended; 50 U.S.C. App. Sup., 2154)

Effective date. This Amendment 7 to General Overriding Regulation 23 is effective March 12, 1953.

JOSEPH H. FREEHILL. Director of Price Stabilization. March 12, 1953.

[F. R. Doc. 53-2342; Filed, Mar. 11, 1953; 11:08 a. m.]

Chapter XVIII - National Shipping Authority, Maritime Administration, Department of Commerce

[N. S. A. Order No. 65 (OPR-5)]

OPR 5-REPATRIATION OF SEAMEN

What this order does.
 Definitions.

- Classification of repatriates. 3.
- Manner of repatriation. Repatriation charges.
- General provisions.

AUTHORITY: Sections 1 to 6 issued under sec. 204, 49 Stat. 1987, as amended; 46 U.S.O. 1114.

SECTION 1. What this order does. This order prescribes the manner in which seamen separated from vessels operated for the account of the National Shipping Authority shall be repatriated and explains how charges in connection with such repatriation shall be handled.

Sec. 2. Definitions. (a) For the purpose of this order, the term "seaman" shall include every person, irrespective of capacity or rating, whose last service has been on a vessel operated for the account of the National Shipping Authority, upon which vessel he had signed shipping articles and whether or not he had signed off such articles before a consular or other authorized official, but shall not include the master of such a vessel.

(b) The term "General Agent" shall include any designated representativo of such General Agent.

SEC. 3. Classification of repatriates. Seamen in need of repatriation, whether being repatriated to or from the United States, shall be classified as follows:

(a) Seamen separated from their vessels because of the destruction of, abandonment of, or damage to their vessels, or because of termination of shipping articles at a port outside the continental limits of the United States.

(b) Seamen separated from their vessels as the result of illness or injury received in the service of their vessels or otherwise through no fault of their own.

(c) Seamen separated from their yessels for any cause whatsoever not described in paragraphs (a) or (b) of this section.

Sec. 4. Manner of repatriation. (a) A seaman described in paragraph (a) of section 3 of this order shall be repatriated in accordance with the provisions of the shipping articles, or the applicable collective bargaining agreement, employment contract, or statute. If a seaman ın this class is repatriated as a passenger, the General Agent of the vessel of which he was last a crew member shall arrange for his passage and pay the amount of expense involved.

(b) A seaman described in paragraph (b) of section 3 of this order may be repatriated as a passenger where space is available and circumstances permit. If applicable collective bargaining agreements, employment contracts, or statutes do not conflict, he may return as a workaway or, at the discretion of the

master of the repatriating vessel, he may sign on articles either as a replacement or to complete a vessel's complement or, when deemed advisable by the official authorizing the repatriation and with the approval of the master of the repatriating vessel, he may be signed on the articles as a "repatriate seaman (nonworking)" If a seaman in this class is repatriated as a passenger, or repatriate seaman (non-working) the General Agent of the vessel of which he was last a crew member shall arrange for his passage and pay the amount of expense involved.

(c) A seaman described in paragraph (c) of section 3 of this order shall be returned as a workaway or, at the discretion of the master of the repatriating vessel, he may sign on as a replacement or to complete a vessel's complement. Only in unusual cases, and only with the prior approval of the Chief, Division of Operations, shall a seaman in this class be repatriated as a passenger or as a repatriate seaman (non-working) seaman in this class is repatriated as a passenger, or as a repatriate seaman (non-working) the General Agent of the vessel of which he was last a crew member shall arrange for his passage and pay the amount of expense involved.

(d) A master shall be repatriated in accordance with applicable collective bargaining agreement, employment contract, statute, or established commercial practice.

Sec. 5. Repatriation charges. (a) If it is deemed necessary to repatriate a seaman as a passenger aboard a privately operated vessel, plane, train, or other conveyance, the full amount of the reasonably incurred expense in connection therewith shall be billed against the General Agent of the vessel of which he was last a crew member.

(b) If a seaman is repatriated as a passenger, or as a repatriate seaman (non-working) aboard a vessel operated for the account of the National Shipping Authority under a General Agency Agreement, a flat transportation charge of \$5.00 per day shall be made for every day spent aboard the repatriating vessel, including day of embarkation and day of debarkation, which charge shall be in addition to necessary train or other conveyance expense, United States and foreign government taxes, port dues, landing fees or other charges of every nature levied in connection with such repatriation. In such a case, the General Agent of the vessel of which the repatriate was last a crew member shall be billed for the amount of expense involved, and appropriate entries covering the receipts and disbursements resulting from the repatriation shall be made in the proper books of account by the General Agent concerned. In the event the General Agent repatriating a seaman is also the General Agent of the vessel on which the seaman-last served, it will not be necessary to issue a formal billing, but it is required that appropriate entries be made on the agency books of account to reflect a revenue of \$5.00 per day in the account of the vessel rendering the trans-

portation service and that a charge covering the cost of repatriation be recorded against the vessel on which the seaman last served. In all cases, the General Agent charged with the repatriation expense shall take necessary steps to secure reimbursement of such expense from the P & I underwriters insuring the vessel against which the expense is charged. No charge is to be made in the case of a seaman repatriate who signs on vessel articles as a workaway or in any other capacity except as a repatriate seaman (non-working). When repatriation is required, it shall be effected by the first available means considered appropriate by the official authorizing such repatriation.

Sec. 6. General provisions. (a) In case of repatriation of any seaman as a passenger aboard a vessel operated for account of the National Shipping Authority, the requirements of the applicable collective bargaining agreement or employment contract shall be met. In any event, a seaman repatriate shall receive at least as good accommodations as would be his due while sailing in his capacity.

(b) Unless otherwise directed, a seaman when repatriated as a passenger aboard a vessel operated for the account of the National Shipping Authority, shall be issued a ticket in the form prescribed by the General Agent of the vessel for its own vessels. Such ticket shall be surrendered-to the master of the repatriating vessel. When repatriated as a repatriate seaman (non-working) the master of the repatriating vessel shall be furnished with a certificate from the official authorizing the repatriation setting forth that the circumstances require that the seaman be signed on as a repatriate seaman (non-working). master shall ascertain the scaman's full name and rating, cause of repatriation, and the names of the vessels and the General Agent to be charged with the cost of the repatriation.

(c) It is recognized that the procedure set forth in this order will not cover all situations arising out of obligations to repatriate seamen nor fix ultimate responsibility for repatriation expenses which may sometimes depend upon determinations of fact which cannot be made prior to repatriation. In cases of emergency or in situations not covered in this order, the General Agent shall proceed in accordance with established

commercial practice.

(d) Nothing in this order shall be construed to interfere with the proper exercise of authority by United States consular officials relative to repatriation of seamen in accordance with applicable statutes.

Effective date. This order shall be effective on date of publication in the FEDERAL REGISTER.

Approved: March 5, 1953.

SEAL] C. H. MCGUIRE,

Director, National Shipping Authority.

[F. R. Doc. 53-2250; Filed, Mar. 12, 1953; 8:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration
Part 4—Dependents and Beneficiaries

CLAILIS

PAYMENT OF PENSION OR COMPENSATION

BASED ON SCHOOL ATTENDANCE

In § 4.98, paragraphs (c) (1), (4) (i) (5), and (6) (g) and (h) are amended to read as follows:

§ 4.98 Payment of pension or compensation based on school attendance.

(c) Holiday or vacation periods—(1) Continuance during holidays or vacation period. In a claim where evidence is submitted from the claimant and the school showing that the child was attending a course of instruction in an approved institution at the close of a regular school term and intends to resume attendance at the next regular term, either in the same or a different institution, the award will be continued during the intervening holiday or vacation period, if all other requirements are met: Provided, That where the child does not actually resume attendance, the award will be discontinued as of the day preceding the date of such failure to pursue a course or as of the date of last payment, whichever is the earlier: Provided further That payments will not be authorized retroactively for the vacation period where the child fails to resume attendance at the end of such period.

(4) Report of failure to commence or resume course—(i) If award has been made. If notice as described in subparagraph (3) of this paragraph has not been received, and it is ascertained after the close of the holiday or vacation period that the child has failed to commence or resume an approved course at the next regular term, or if the required evidence of attendance is not received within 10 days after the date the child expected to commence school attendance, payments will be discontinued effective the day preceding the date on which the course was to have been commenced or resumed or the date of last payment, whichever is the earlier: Provided, That if the reason for the failure to commence or resume the course was the marriage of the child, the ending date will be the day preceding the marriage: Provided further, That if no payments have been made, the award will be reduced or discontinued from its effective date but not prior to the date of expiration of the last regular term.

(5) Resumption of payments after discontinuance for failure to submit notice of commencement. Payments reduced or discontinued pursuant to subparagraph (4) (i) of this paragraph for failure to submit VA Form 8-674 within 10 days after the date the child expected to commence the course of training will be resumed, if otherwise in order, from the effective date of such reduction or discontinuance upon receipt within 1

year from that date of VA Form 8-674 showing attendance at the commencement of term for which such benefits were denied.

- (6) Ending dates of school awards. If parts I and II of VA Form 8-674 show the year, month, and day on which it is expected the course will be terminated, the ending date of the school award will be the earliest date shown. If one part of the form shows only the month and year and the other part shows a definite date will be accepted. In all other instances, the earliest month shown on the form will be accepted, and the ending date of the school award will be the last day of the preceding month.
- (g) When child marries, ceases to attend course, or reaches age of 21 years. Payments of pension or compensation under this section will terminate upon the date preceding the date of marriage or, except as provided in paragraph (c) of this section, upon the last day which the child attended school, but in no event will pension or compensation be paid for a period beyond the day preceding the child's twenty-first birthday.

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- (h) Evidence requirements—(1). General. The requirement that evidence of school attendance must be filed will be considered as having been met when notice of such school attendance, meeting the requirements of an informal claim, is received, provided the necessary formal evidence on VA Form 8-674 is filed within 1 year from the date of request.
- (2) Accrued benefits only. When a claim for accrued benefits is filed by or on behalf of a veteran's child over 18 but under 21 years of age, who was pursuing a course of instruction at the time of the payee's death and payment of accrued benefits only is involved, evidence of school attendance will consist of VA Form 8-674. When the payee's death occurred during a school vacation period, the requirements will be considered to have been met if the child was carried on the school rolls on the last day of the regular school term immediately preceding the date of the payee's death.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective March 13, 1953.

[SEAL]

H. V. STIRLING, Deputy Administrator

[F. R. Doc. 53-2258; Filed, Mar. 12, 1953; 8:51 a. m.]

TITLE 50-WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F-Alaska Commercial Fisheries

Miscellaneous Amendments

Basis and purposes: On the basis of information produced at public hearings, written briefs submitted by members of the fishing industry, and scientific data acquired by personnel of the Fish

and Wildlife Service, amendments to existing regulations for control of the Alaskan fisheries are promulgated whenever necessary to achieve maximum commercial utilization of the resource consistent with sound conservation principles. In order to realize such utilization under current conditions and in conformance with the notice of intention to adopt amendments issued by the Secretary of the Interior on June 27, 1952 (17 F R. 5994, July 3, 1952) the following provisions are adopted, to become effective 30 days after their publication in the Federal Register.

PART 101—DEFINITIONS

- 1. A new section designated § 101.9a is added to read as follows:
- § 101.9a. Bag limit. Maximum take permitted per person per day for personal use.

(Sec. 1, 43 Stat. 464, as amended; 48 U.S. C. 221)

PART 102—GENERAL PROVISIONS

- 1. Section 102.14 (a) is amended to read as follows:
- (à) In accordance with the authority contained in section 1 of the act of June 18, 1926 (44 Stat. 752, 48 U.S. C. 221-224) as amended, commercial fishing is prohibited at all times between the exposed tideland banks of any salmon stream, within 500 yards of the terminus, as defined in this section, of any such stream and within such greater distances from such terminus as may be specified in regulations having particular application-to designated streams or areas. For the purpose of this subchapter, the word "terminus" shall mean a line drawn between the seaward extremities of the exposed tideland banks of any salmon stream.
- 2. (a) The first sentence of § 102.28 (a) is amended by deleting "two feet" and substituting in lieu thereof "four feet"
- 3. A new section designated § 102.33a is added to read as follows:
- § 102.33a Size of mesh, herring seines. No herring seine shall have mesh less than 1½ inches stretched measure between knots.
- -4. Section 102.51 is amended to read as follows:
- § 102.51 Prohibited with commercial. gear · exception. Within any regulatory area, district or section, except in the Bristol Bay and Cook Inlet areas, all fishing for personal use with gill net. seme or trap shall be subject to the laws and regulations governing commercial fishing during the period starting 48 hours before the opening of a commercial season for such gear and continuing until 48 hours after its close: Provided, That bona fide personal use fishing will be permitted at all times on the Yukon River and at any place which is at a distance greater than 25 miles by most direct measurement from waters legally open to commercial fishing.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 104—BRISTOL BAY AREA

- 1. Section 104.3 is amended to read as follows:
- § 104.3 Open seasons. (a) Nushagak district: Fishing is prohibited from 6 o'clock antemeridian June 25 to 6 o'clock antemeridian August 3. Prior to 6 o'clock antemeridian June 25, fishing is prohibited except with mesh not less than 8½ inches stretched measure between knots.
- (b) Kvichak-Naknek district: Flshing is prohibited prior to 6 o'clock antemeridian June 25, except with mesh not less than 8½ inches stretched measure between knots, and from 6 o'clock postmeridian July 25 to 6 o'clock antemeridian August 3.
- (c) Egegik district: Fishing is prohibited prior to 6 o'clock antemeridian June 25, except with mesh not less than 8½ inches stretched measure between knots, and from 6 o'clock postmeridian July 25 to 6 o'clock antemeridian August 3.
- (d) Ugashik district: Fishing is prohibited prior to 6 o'clock antemeridian June 28, except with mesh not less than 8½ mches stretched measure between knots, and from 6 o'clock postmeridian July 28 to 6 o'clock antemeridian August 10.
 - 2. Section 104.4 is deleted.
- 3. Section 104.20 (b) is amended to read as follows:
- (b) Kvichak Bay Northwest of a line from Graveyard Point light to a point on the opposite shore at 58 degrees 53 minutes 22 seconds north latitude, 157 degrees 4 minutes 16 seconds west longitude.
- 4. A new center heading designated "Personal Use Fishery" is added, and a new section designated § 104.50 is added thereunder to read as follows:
- § 104.50 Personal use seasons. fishing for personal use shall be subject to the laws and regulations governing commercial fishing in each district during the period starting 48 hours before the opening of the commercial red salmon season and continuing until 48 hours after its close: Provided, That fishing for personal use will be permitted in the Nushagak district at any place which is at a distance greater than 12 miles by most direct water measurement from waters legally open to commercial fishing, and elsewhere in the Bristol Bay area at any place which is at a greater distance than 25 miles by most direct water measurement from waters open to commercial fishing.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221) > ~

Part 105—Alaska Peninsula Area

- 1. Section 105.2 (d), (e), and (f) is amended to read as follows:
- (d) Port Moller district: All waters on the north side of the Peninsula between Lagoon Point and Entrance Point.
- (e) Bear River district: All waters on the north side of the Peninsula between Entrance Point and Cape Seniavin.

- (f) General district: All waters of the area not defined above:
- 2. Section 105.3 is amended to read as follows:
- § 105.3 Open seasons, except Port Moller and Bear River districts. Fishing is prohibited except from 6 o'clock antemeridian May 27, to 6 o'clock postmeridian August 5: Provided, That (a) fishing is prohibited in Outer Canoe Bay after 6 o'clock postmeridian July 18; (b) fishing is permitted in the Eastern, Western and Central districts with set gill nets only, from September 1 to September 30 inclusive; and (c) fishing is permitted in Port Heiden with beach seines and gill nets from August 10 to September 30, inclusive.
- 3. Section 105.4 is amended to read as follows:
- § 105.4 Open season, Port Moller district. Fishing is prohibited except from 6 o'clock antemeridian June 20 to 6 o'clock postmeridian July 28: Provided, That gill nets having mesh not less than 8½ inches stretched measure between knots may be used prior to June 20, and beach seines and gill nets may be used from August 10 to September 30, in-
- 4. A new section designated § 105.4a is added to read as follows:
- § 105.4a Open season, Bear River district. Fishing is prohibited except from 6 o'clock antemeridian July 2 to 6 o'clock postmeridian July 28.
- 5. Section 105.5 is amended in text to read as follows:
- § 105.5 Weekly closed period. The statutory weekly closed period is extended as follows:
- (a) Port Moller and Bear River districts, from 6 o'clock antemeridian Wednesday to 6 o'clock antemeridian Thursday in any open period from June 20 to August 9.
- (b) Except Port Moller and Bear River districts, from 6 o'clock antemeridian Wednesday to 6 o'clock antemeridian Thursday prior to July 5.
- (c) Except Port Moller and Bear River districts, from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday in the period from July 5 to August 9.
- 6. Section 105.19 is amended by adding a new paragraph (m) to read as follows:
- (m) Frank's Lagoon: All waters within the lagoon.
- 7. Section 105.20 is amended to read as follows:
- § 105.20 Open season. Fishing, except for bait and except by gill nets, is prohibited except from June 15 to October 15.
- 8. Section 105.21 is amended to read as folows:
- § 105.21 Closed waters. Fishing is prohibited prior to October 1 in all waters closed throughout the year to salmon fishing.
- (Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

PART 106-ALEUTIAN ISLANDS, AREA

1. Section 106.10 is deleted.

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C.

PART 107-CHIGNIK AREA

- 1. Section 107.16 is deleted.
- 2. Section 107.17 is amended to read as follows:
- § 107.17 Closed seasons. Fishing, except for bait and except by gill nets, is prohibited except from June 15 to October 15.
- 3. Section 107.18 is amended to read as follows:
- § 107.18 Closed waters. Fishing is prohibited prior to October 1 in all waters closed throughout the year to salmon fishing.

PART 108-KODIAK AREA

- 1. Section 108.2 (c) is amended to read as follows:
- (c) Karluk district: All waters from Cape Karluk to Broken Point: Provided, That the waters of Uyak Bay inside a line from Chief Point to the Uyak Postoffice shall be known as the Uyak section.
- 2. Section 108.3b is amended by deleting the date "June 16," and substituting in lieu thereof the date "July 10."
- 3. Section 108.23 (q) is amended to read as follows:
- (q) Afognak Island: Along the coast within 2,500 feet of a point at 58 degrees 12 minutes 15 seconds north latitude, 153 degrees 7 minutes 14 seconds west longitude.
- 4. Section 108.25 is amended to read as follows:
- § 108.25 Closed seasons. Fishing except for bait and except by gill nets, is prohibited except from June 15 to October 15.
 - 5. Section 108.26 is deleted.
- 6. Section 108.27 is amended to read as follows:
- § 108.27 Closed waters. Fishing is prohibited prior to October 1 in all waters closed throughout the year to salmon fishing.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 109—COOK INLET AREA

- 1. A new section designated § 109.1a is added to read as follows:
- § 109.1a Definitions, fishing districts. (a) Northern district: All waters north of the latitude of Boulder Point.
- (b) North Central district: All waters between the latitude of Boulder Point and the latitude of the marker at the south limit of the closed area at Kasilof River, including the waters adjacent to Kalgın Island.
- (c) South Central district: All waters between the latitude of the marker at the south limit of the closed area at Kasi-

lof River and the latitude of Anchor Point Light, excluding the waters adjacent to Kalgin Island.

- (d) Southern district: All waters be-tween the latitude of Anchor Point Light and a line extending from Cape Douglas through the southernmost point of Elizabeth Island across Chugach Passage.
- (e) Outer district: All waters between a line extending from Cape Douglas thru the southernmost point of Elizabeth Island across Chugach Passage and the outer limits of the area.
- 2. Section 109.2 is amended to read as follows:
- § 109.2 Open seasons. (a) Northern and North Central districts:
- (1) From 6 o'clock antemeridian May 25 to 6 o'clock antemeridian June 25 with gill nets only, of which no legal Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. limit shall have more than 35 fathoms of mesh less than 81/2 inches stretched measure between knots, (2) from 6 o'clock antemeridian June 25 to 6 o'clock postmeridian August 4, and (3) from 6 o'clock antemeridian August 20 to 6 o'clock postmeridian September 20 with gill nets only.
 - (b) South Central district: (1) From 6 o'clock antemeridian May 25 to 6 o'clock postmeridian August 4, and (2) from 6 o'clock antemeridian August 20 to 6 o'clock postmeridian September 20 with gill nets only.

(c) Southern district: From 6 o'clock antemeridian May 25 to 6 o'clock postmeridian August 8.

- (d) Outer district: From 6 o'clock antemeridian July 25 to 6 o'clock postmeridian August 8.
- 3. Section 109.2a is amended to read as follows:
- § 109.2a Weekly closed period. The statutory weekly closed period is extended as follows:
- (a) In the Northern, North Central. South Central and Southern districts prior to July 23, from 6 o'clock antemeridian Saturday to 6 o'clock antemendian Tuesday and from 6 o'clock antemeridian Wednesday to 6 o'clock antemeridian Friday.
- (b) In the Outer district, from 6 o'clock antemeridian Saturday to 6 o'clock antemeridian Monday and from 6 o'clock antemeridian Wednesday to 6 o'clock antemeridian Thursday.
- 4. Section 109.6 is amended by adding the following sentence: "The use of drift gill nets is prohibited in the Northern district."
- 5. Section 109.15 (f) is amended by deleting subparagraphs (1) (3) (4) (5) and (6) and amending paragraph (g) to read as follows:
- (g) Along the mainland coast on the east side of Cook Inlet (1) within 1,000 feet of a point at 60 degrees 46 minutes 11 seconds north latitude, and (2) in Nikishka Bay from a point 1.8 nautical miles south of Boulder Point at 60 degrees 44 minutes 46 seconds north latitude, 151 degrees 17 minutes 23 seconds west longitude to a point at 60 degrees 44 minutes 26 seconds north latitude, 151 degrees 18 minutes 33 seconds west longitude.

- 6. Section 109.16 is amended by adding a new paragraph (e) to read as follows:
- (e) Seldovia Bay. All waters of the bay south of the latitude of the Seldovia oil dock.
- 7. Section 109.17 is amended to read as follows:
- § 109.17 Closed seasons. Fishing, except for bait and except by gill nets, is prohibited except from June 15 to October 15.
- 8. Section 109.18 is amended to read as follows:
- § 109.18 Closed waters. Fishing is prohibited prior to October 1 in all waters closed throughout the year to salmon fishing.
- 9. A new section designated §-109.50a is added to read as follows:
- § 109.50a Seasonal restrictions. All fishing for personal use shall be subject to the laws and regulations governing commercial fishing in each district during the period starting 48 hours before the opening of a commercial season for such gear and continuing until 48 hours after its close: Provided, That these restrictions shall not apply, (a) during any fall season, (b) at any place which is at a greater distance than 25 miles from waters open to commercial fishing, and (c) to the waters of Knik Arm north of Point Woronzof by means of set gill nets which (1) shall not exceed 15 fathoms per person; (2) shall be at least 100 yards apart; and (3) shall be operated prior to August 6 only during hours open to commercial fishing in the Northern
- 10. Section 109.51 is amended to read as follows:
- § 109.51. Closed waters. Fishing for, taking, or molesting any salmon by any means, or for any purpose, is prohibited in and within 500 yards of:
- (a) Ship Creek, Cottonwood Creek, Fish Creek, and Campbell Creek.
- (b) All other streams or lakes, except with hand rod, hook and line; bag limit, two salmon per day per person.
- (Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 110-RESURRECTION BAY AREA

- 1. Section 110.3 is amended to read as follows:
- § 110.3 Open season. Fishing is prohibited prior to 6 o'clock antemeridian July 1 and after 6 o'clock postmeridian September 30.
 - 2. Section 110.4 is deleted.
- 3. Section 110.12 is amended to read as follows:
- § 110.12 Closed waters. Fishing is prohibited inside a line extending from the Seward city dock to the Ocean Van Lines dock.
- 4. Section 110.13 is amended to read as follows:
- § 110.13 Closed seasons. Fishing, except for bait and except by gill nets, is prohibited except from June 15 to October 15.

- 5. Section 110.15 is deleted.
- 6. A new center heading is added entitled "Personal Use Fishery" and a new section designated § 110.50 is added thereunder to read as follows:
- § 110.50 Closed waters. Fishing-for, taking, or molesting any salmon is prohibited in waters closed to commercial fishing, except by hand rod, hook and line for personal use; bag limit 2 salmon per day per person.
- (Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

PART 111-PRINCE WILLIAM SOUND AREA

- 1. A new section designated § 111.1a is added to read as follows:
- § 111.1a Definitions, fishing districts.
 (a) Eshamy district: All waters within one mile of the mainland shore from the outer point on the north shore of Granite Bay to the light on the south shore of the entrance of Port Nellie Juan.
- (b) General district: All waters of the area other than the Eshamy district.
- 2. Section 111.2 is amended to read as follows:
- § 111.2 Open seasons. Fishing is prohibited except as follows:
- (a) Eshamy district, from 6 o'clock antemeridian July 13 to 6 o'clock postmeridian August 22, with set or anchored gill nets only.
- (b) General district, from 6 o'clock antemeridian July 13 to 6 o'clock postmeridian August 5.
 - 3. Section 111.6 is deleted.
- 4. Effective only through December 31, 1953, § 111.11 is amended, by deleting all after "Point Helen" in paragraph (a) by deleting subparagraph (1) of paragraph (h) by deleting paragraphs (f) (j) (k) (r) (s), (t) (v), (w) and (aa) and by rewriting paragraphs (d), (z) (2) and (bb) to read as follows:
- (d) Eastern coast of Chenega Island from a point 1¾ statute miles north of Chenega Point to a point 1 statute mile eastward of Chenega village.
 - (z) * * *

*

- (2) within 2,500 feet of a point at 60 degrees 7 minutes 28 seconds north latitude.
- (bb) Montague Island: Northern coast within 3,000 feet of a point at 60 degrees 21 minutes 51 seconds north latitude, 147 degrees 9 minutes 19 seconds west longitude.
- 5. Section 111.13 is amended in text to read as follows:
- § 111.13 Closed seasons. Fishing, except for bait and except by gill nets, is prohibited except from June 15 to October 15.
- 6. Section 111.14 is deleted.
- (Sec. 1, 43 Stat. 464, as amended; 48 U.S. C. 221)

PART 113—BERING RIVER AREA

1. Section 113.3 is amended by deleting the date "June 15" and substituting in lieu thereof the date "June 20." (Sec. 1, 43 Stat. 464, as amended; 48 U.S.C.

PART 114-YAKUTAT AREA

- 1. Section 114.2a is amended to read as follows:
- § 114.2a Open seasons. Fishing, other than trolling, is prohibited except as follows:
- (a) Alsek River, from 6 o'clock antemeridian June 1 to 6 o'clock postmeridian September 30.
- (c) Italo River, from 6 o'clock antemeridian August 10 to 6 o'clock postmeridian September 30.
- (d) Remainder of the Yakutat area, from 6 o'clock antemeridian July 1 to 6 o'clock postmeridian September 30.
- 2. Section 114.4 is amended to read as follows:
- § 114.4 Closing date. Prior to August 10, fishing is prohibited from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday Provided, That in Situk-Ahrnklin Inlets such fishing is prohibited from 6 o'clock postmeridian Thursday to 6 o'clock antemeridian Monday.
- 3. Section 114.9 (b) is amended to read as follows:
- (b) Situk-Ahrnklin Inlets, Italio River and Lost River; 25 fathoms each net and 25 fathoms aggregate: *Provided*, That in Divide Slough nets shall not exceed 15 fathoms each or 15 fathoms aggregate.
- 4. Section 114.10 (a) is amended by deleting "Dry Bay," and substituting in lieu thereof "Alsek River."
- (Sec. 1, 43 Stat. 464, as amended; 48 U.S. C. 221)
- PART 115—SOUTHEASTERN ALASKA AREA SALMON FISHERIES, GENERAL PROVI-SIONS
- 1. Section 115.4a is amended to read as follows:
- § 115.4a Gill nets prohibited, exceptions. The use of gill nets is prohibited except in the northern sections of the Western district, the Taku Inlet-Port Snettisham section of the Eastern district, Stikine district, and Burroughs Bay.
- 2. Section 115.6d is amended to read as follows:
- § 115.6d Closed season, troll caught king salmon. Taking of king salmon by trolling is prohibited in outside waters (exclusive of bays, inlets, channels and straits) from 6 o'clock postmeridian October 31 to 6 o'clock antemeridian March 15.
- 3. The first sentence of § 115.6e is amended to read as follows: "King salmon shall either (1) measure at least 26 inches from tip of snout to fork of tail, or (2) weigh at least 6 pounds dressed."
- 4. A new section designated § 115.10 is added to read as follows:
- § 115.10 Fall season notification. During any season open specifically for chum salmon fishing, no fishing boat shall enter or depart any waters open to such fishing without first notifying the

local representative of the Fish and Wildlife Service, and submitting his boat for inspection when requested.

(Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

PART 116—SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALLION

- 1. Section 116.3 is amended to read as follows:
- § 116.3 Closed seasons. Fishing, except for bait and except by gill nets, is prohibited from March 1 to June 9 inclusive.
- 2. A new section designated § 116.3a is added to read as follows:
- § 116.8a Restricted in Tongass Narrows. Fishing, except for bait and except by gill nets, is prohibited in the waters of Tongass Narrows and northern Revillaggedo Channel from the latitude of Guard Island to the latitude of Point Alaya.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 117—SOUTHEASTERN ALASKA AREA, ICY STRAIT DISTRICT SALMON FISHERIES

- 1. Section 117.2 is amended by deleting the following phrases from the first sentence, "thence to a point at 58 degrees north latitude, 134 degrees 58 minutes west longitude, thence north to the light at Point Augusta" and substituting in lieu thereof the following, "thence to and along the north shore of Tenakee Inlet to Portage, thence following the watershed to the light at Point Augusta, including all waters of Port Frederick,"
- 2. A new section designated § 117.2a is added to read as follows:
- § 117.2a Definitions, flishing sections. Fishing sections in the Icy Strait district are defined as follows:
- (a) Western; west of the longitude of Point Carolus.
- (b) Eastern; east of the longitude of Point Carolus.
- 3. Section 117.3 is amended to read as follows:
- § 117.3 Open seasons. Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian June 24 to 6 o'clock postmeridian July 11, and from 6 o'clock antemeridian July 20 to 6 o'clock postmeridian August 22: Provided, That this prohibition shall not apply to fishing for chum salmon in Exursion Inlet from 6 o'clock antemeridian September 24 to 6 o'clock postmeridian October 1.
 - 4. Section 117,4 is deleted.
- 5. A new section designated § 117.4a is added to read as follows:
- § 117.4a Seasons and restrictions, Port Frederick. Fishing, except trolling, is prohibited in Port Frederick (a) at all times east of a line from Inner Point Sophia to Game Point, and south of 58 degrees 4 minutes 8 seconds north latitude, and (b) in all other waters except from 6 o'clock antemeridian June 24 to 6 o'clock postmeridian July 11.

- 6. The first sentence of §117.8 is amended to read as follows: "Fishing, except trolling, is prohibited as follows:." and paragraph (c) of said section is deleted.
- (Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)

PART 118—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

- 1. Section 118.2 is amended by deleting the words "thence east to 134 degrees 58 minutes west longitude, thence north to the light at Point Augusta," and substituting in lieu thereof the following, "thence to and along the north shore of Tenakee Inlet to Portage, thence following the watershed to the light at Point Augusta, excluding all waters of Port Frederick,"
- 2. Section 118.4 is amended to read as follows:
- § 118.4 Open season, northern section, north of Sullivan Island. Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian June 17 to 6 o'clock postmeridian September 30. During this season, the weekly closed period is extended to include the period from 6 o'clock antemeridian Friday to 6 o'clock antemeridian Monday.
- 3. Section 118.5 is amended to read as follows:
- § 118.5 Open seasons, northern section, south of Sullivans Islands. Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian July 21 to 6 o'clock postmeridian July 21, and from 6 o'clock antemeridian July 20 to 6 o'clock postmeridian August 22: Provided, That this prohibition shall not apply to the use of gill nets in Berners Bay from 6 o'clock antemeridian September 1 to 6 o'clock postmeridian September 30.
- 4. Section 118.6 is amended to read as follows:
- § 118.6 Open seasons, central, southern and western sections. Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian June 24 to 6 o'clock postmeridian July 11, and from 6 o'clock antemeridian July 20 to 6 o'clock postmeridian August 22: Provided, That this prohibition shall not apply in Hood and Chaik Bays to fishing for chum salmon from 6 o'clock antemeridian September 24 to 6 o'clock postmeridian October 1.
- 5. Section 118.13 is amended by deleting the date "June 18," and substituting in lieu thereof the date "June 17,"
- 6. Section 118.17 is amended by deleting paragraph (t) modifying paragraph (p) and adding a new paragraph (u), as follows:
- (p) Redoubt Bay, all waters within 1½ statute miles of the terminus of the outlet stream of Redoubt Lake.
- (u) Hood Bay, South Arm: All waters within a line 2,500 yards from the head of the arm.
- 7. A new center heading designated "Personal Use Fishery" is added and a

new section designated § 118.50 is added thereunder to read as follows:

§ 118.50 Closed waters, exception.
(a) Redoubt Bay: Fishing with gill net, seine, or trap is prohibited in all waters of the bay closed to commercial fishing.
(Sec. 1, 43 Stat. 464, as amended; 48 U.S. C. 221)

Part 119—Southeastern Alaska Area, Eastern District, Salmon Fisheries

- 1. A new section designated § 119.2a is added to read as follows:
- § 119.2a Definitions, fishing sections. Fishing sections in the Eastern district are defined as follows:
- (a) Taku Inlet-Port Snettisham section: All waters of Taku Inlet within a line from Point Bishop to the Waterfall at approximately 58 degrees 11 minutes 28 seconds north latitude, 134 degrees 5 minutes west longitude, and all waters of Port Snettisham northeast of a line from Point Styleman to Point Anmer.
- (b) General section: All waters other than those described in paragraph (a) of this section.
- 2. Section 119.3 is amended to read as follows:

§ 119.3 Open seasons, exceptions. Fishing is prohibited, except as follows:

- (a) In the Taku Inlet-Port Snettisham section, (1) with gill nets from 6 o'clock antemeridian May 4 to 6 o'clock postmeridian June 5, and from 6 o'clock postmeridian June 17 to 6 o'clock postmeridian September 30; and (2) by trolling from 6 o'clock antemeridian June 17 to 6 o'clock postmeridian June 17 to 6 o'clock postmeridian June 5 of the year following. During these seasons, the weekly closed period, except for trolling, is extended to include the period from 6 o'clock antemeridian Friday to 6 o'clock antemeridian Monday.
- (b) In the General section, from 6 o'clock antemeridian June 24 to 6 o'clock postmeridian July 11, and from 6 o'clock postmeridian July 27 to 6 o'clock postmeridian August 29: Provided, That these prohibitions shall not apply to fishing for shum salmon in Security Bay and Port Camden from 6 o'clock antemeridian September 24 to 6 o'clock postmeridian October 1, nor to trolling except in waters north of Midway Island from 6 o'clock postmeridian June 5 to 6 o'clock antemeridian June 17.
 - 3. Section 119.4 is deleted.
- 4. Section 119.6 is amended to read as follows:
- § 119.6 Length of gill nets. The aggregate length of gill nets aboard or in use by any fishing boat shall not be greater than 150 fathoms, and no gill net shall be less than 50 fathoms in length, hung measure.
- 5. Section 119.10 (b) is amended to read as follows:
- (b) Windham Bay, indenting mainland: All waters east of a line extending across the narrows, which are at approximately 57 degrees 30 minutes 5 seconds north latitude and 133 degrees 20 minutes 7 seconds west longitude.
- (Sec. 1, 43 Stat. 464, as amended; 43 U.S. C. 221)

PART 120-SOUTHEASTERN ALASKA AREA, STIKINE DISTRICT, SALMON FISHERIES

- 1. Section 120.3a is amended by deleting "June 18" and substituting in lieu thereof "June 17."
 2. Section 120.4 is amended to read as
- follows:
- § 120.4 Closed seasons, exception. Fishing is prohibited prior to 6 o'clock antemeridian May 4, from 6 o'clock postmeridian June 5 to 6 o'clock antemeridian June 17, and after 6 o'clock postmeridian September 30: Provided, That this prohibition shall not apply to trolling west of Craig Point.
- 3. Section 120.5a is amended in the proviso by deleting the date "June 18" and substituting in lieu thereof the date "June 17."
- (Sec. 1, 43 Stat. 464, as amended; 48 U.S.C.
- PART 121-SOUTHEASTERN ALASKA AREA, SUMNER STRAIT DISTRICT, SALMON FISHERIES
- 1. Section 121.3 is amended to read as follows:
- § 121.3 Open season, Ernest Sound and Anan. Fishing, other than trolling, in Ernest Sound and the open waters in the vicinity of Anan Creek (excluding Zimovia Strait) is prohibited, except from 6 o'clock antemeridian July 20 to 6 o'clock postmeridian August 22.
- 2. Section 121.4 is amended to read as follows:
- § 121.4 Open season, exception. With the exception of Ernest Sound and the vicinity of Anan Creek, fishing, other than trolling, is prohibited except from 6 o'clock antemeridian July 27 to 6 o'clock postmeridian August 29.
- 3. Section 121.11 is amended by adding a new paragraph (t) to read as follows:
- (t) Falls Creek, Wrangell Narrows: All waters between the latitude of the boat mooring float at the end of the Petersburg road and the latitude of navigation marker number 46.
- (Sec. 1, 43 Stat. 464, as amended; 48 U.S.C. 221)
- PART 122-SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON
- 1. Section 122.2 is amended by deleting the following, "131 degrees 40 minutes west longitude, thence north to a point west of Point Davison at 55 degrees north latitude, 131 degrees 40 minutes west longitude, thence to the southern extremity of Point Davison, thence northerly along the watershed of Annette Island to the northern extremity of Walden Point," and substituting in lieu thereof the following, "131 degrees west longitude, thence to Mary Island light. Hog Rocks light, Bold Island light, Race Point,"
- 2. Section 122.4 is amended to read as follows:
- § 122.4 Open season, northern section. Fishing, other than trolling, in the

- northern section, is prohibited except from 6 o'clock antemeridian August 5 to 6 o'clock postmeridian September 2.
- 3. Section 122.5 is amended to read as follows:
- § 122.5 Open season, central, southeast, southwest and North Behm Canal sections. (a) Fishing, other than trolling, is prohibited in the southwest and central sections except from 6 o'clock antemeridian August 5 to 6 o'clock postmendian September 2: Provided, That this prohibition shall not apply in Kasaan Bay, Moira Sound, and Cholmondeley Sound to fishing for chum salmon from 6 o'clock antemeridian September 24 to 6 o'clock postmeridian October 1.
- (b) Fishing, other than trolling, is prohibited in the southeast and North Behm Canal sections, except from 6 o'clock antemeridian July 27 to 6 o'clock postmeridian August 29.
- (Sec. 1, 43 Stat. 464, as amended; 48 U.S. C.
- PART 123-SOUTHEASTERN ALASKA AREA, South Prince of Wales Island Dis-TRICT, SALMON FISHERIES
- 1. Section 123.3 is amended to read as follows:
- § 123.3 Open seasons. Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian August 5 to 6 o'clock postmeridian September 2: Provided. That this prohibition shall not apply to purse seines from 6 o'clock antemeridian July 20 to 6 o'clock postmeridian September 2 in waters west of

- a line extending northwesterly from Cape Muzon projected through Cape Ulitka to the northern boundary of the district, nor to fishing for chum salmon in the waters of Klawak Inlet from 6 o'clock antemeridian September 24 to 6 o'clock postmeridian October 1.
- 2. The first sentence of § 123.4 is amended by deleting the dates "July 14 to July 26" and substituting in lieu thereof the dates "July 20 to August 5." (Sec. 1, 43 Stat. 464, as amended; 48 U. S. C.
- PART 124-SOUTHEASTERN ALASKA AREA, SOUTHERN DISTRICT, SALMON FISH-ERTES
- 1. Section 124.2 is amended by deleting "40 minutes" in the first phrase, and all text after the phrase "thence southerly and easterly along the watershed of Gravina Island to Gravina Point," and substituting in lieu thereof the following, "thence to Race Point, Bold Island light, Hog Rocks light, Mary Island light and the International Boundary at 131 degrees west longitude."
- 2. Section 124.3 is amended to read as follows:
- § 124.3 Open season. Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian July 20 to 6 o'clock postmeridian August 22.

DOUGLAS MCKAY Secretary of the Interior.

MARCH 7, 1953.

[F. R. Doc. 53-2226; Filed, Mar. 12, 1953; 8:45 a. m.1

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 383]

ST. LOUIS NATIONAL STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Correction

In Federal Register Document 53-2156, appearing at page 1361 of the issue for Tuesday, March 10, 1953, under the headnote "Selling Charges" the charge for "Hogs: Consignments of 1 head and 1 head only" now reading ".80", should read ".60"

[7 CFR Part 961]

[Docket No. AO-160-A-15]

HANDLING OF MILK IN PHILADELPHIA, PA. MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMEND-MENT TO TENTATIVE MARKETING AGREE-MENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.), and the applicable

rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Court Room No. 1, Federal Building, Ninth and Market Streets, Philadelphia, Pennsylvania, beginning at 10:00 a. m., e. s. t., March 23, 1953, for the purpose of receiving evidence with respect to the proposed amendment heremafter set forth, or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania marketing area. The proposed amendment has not received the approval of the Secretary of Agriculture.

Amendment to the order as amended. for the Philadelphia, Pennsylvania marketing area has been proposed as follows: By the Milk Distributors' Association

of the Philadelphia Area, Inc..

Amend § 961.40 (b) so as to obtain more competitive prices for Class II milk. Copies of this notice of hearing, the said order, as amended, and the said tentative marketing agreement may be procured from the Market Administrator, 1612 Market Street, Philadelphia, Pennsylvania, or from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: March 9, 1953.

[SEAL]

Roy W. Lennartson, Assistant Administrator

[F. R. Doc. 53-2264; Filed, Mar. 12, 1953; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

GENERAL RULES AND REGULATIONS AND FORMS UNDER SECURITIES EXCHANGE-ACT OF 1934

QUARTERLY REPORTS

On October 10, 1952, the Securities and Exchange Commission published in Release No. 4755, notice of proposed revisions of Form 9-K (§ 249.309) and Rules X-13A-13 and X-15D-13 (§ 240.13a-13 and 240.15d-13) The proposed revisions would have required the filing of quarterly profit and loss statements and related statements of earned surplus in lieu of the quarterly reports of gross sales and operating revenues heretofore required. The Commission has now considered the matter further and has determined not to adopt at this time, the proposals set forth in the above-mentioned release.

The Commission has also given further consideration to the proposed § 240.14a-3 amendment of (Rule X-14A-3) of the Proxy rules, which was also announced October 10, 1952 in Release No. 4756, and has determined not to adopt such amendment at this time. Section 240.14a-3, in its present form, requires that security holders be furnished an annual report prior to or concurrently with the solicitation of proxies for any annual meeting involving the election of directors. The proposed amendment of the rule would have provided that where one or more fiscal quarters have elapsed before the meeting is held security holders should also be furnished a report covering such quarter or quarters.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

March 9, 1953.

[F. R. Doc. 53-2241; Filed, Mar. 12, 1953; 8:48 a. m.]

I 17 CFR Part 249 I

Instruction Books for Forms for Annual Reports

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to the instruction books for annual report Forms 12–K and 12A–K (§§ 249.312 and 249.312a) under the Securities Exchange Act of 1934.

Companies which report to the Interstate Commerce Commission on its Form A have heretofore been permitted, in connection with reports to the Securities and Exchange Commission on Forms 12-K and 12A-K, to file certain selected schedules in lieu of a complete Form A. However, this procedure is followed by a very limited number of companies and necessitates the annual reexamination by this Commission of the list of schedules so as to conform to changes made in Form A by the Interstate Commerce Commission. Accordingly, the Securities and Exchange Commission is considering a proposal to discontinue the provision which permits the filing of selected schedules and to require the few companies which have heretofore followed this practice to file with this Commission complete copies of their reports on Form A.

The Commission has adopted a new rule, § 240.12b-33 (Rule X-12B-33) which permits companies reporting to other Federal agencies to file with this Commission only one copy of their reports to the other Federal agencies instead of three copies as heretofore required. Similarly, under this rule only one copy of such reports need be filed with the exchange on which the securities-are listed. This rule will operate to reduce the work involved in filing with this Commission copies of annual reports to other agencies.

The text of the proposed amendments is as follows:

I. The Instruction with respect to Exhibit A would be amended to read as follows:

A copy of the Annual Report of the registrant on a separate or on a system basis, as filed with the Interstate Commerce Commis-

cion or the Federal Communications Commicsion for the fiscal year ended on the preceding December 31st.

II. Paragraph (1) of the Instructions as to Exhibit B would be amended to read as follows:

(1) A copy of the Annual Report to the Interstate Commerce Commission or to the Federal Communications Commission for the federal Communications Commission for the fiscal year ended on the preceding December 31st of each affiliated company (not included in a system report filed under the requirements as to Exhibit A) which makes such report and which is controlled directly or indirectly by the registrant (including all "fifty percent owned subsidiaries"). A company shall be deemed a "fifty percent owned subsidiary" if the registrant and/or one or more fifty percent or majority owned subsidiaries of the registrant owned directly securities of such company representing in the aggregate fifty percent of the voting power, other than as affected by events of default.

III. Instruction 3 of the Instructions as to Exhibits would be amended to read as follows:

3. A copy of the registrant's annual report to atcalholders for the comparable period shall be filed as an exhibit to each copy of Form A. If annual reports to stockholders are not published, that fact should be stated.

All interested persons are invited to submit data, views and comments on the above-mentioned proposals in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before March 23, 1953.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

MARCH 9, 1953.

[F. R. Doc. 53-2244; Filed, Mar. 12, 1953; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG, JAPAN, TAIWAN AND THE REPUBLIC OF KOREA

AVAILABLE CERTIFICATIONS BY SPECIFIED FOREIGN GOVERNMENTS

Notice is hereby given that the Foreign Assets Control Division of the Treasury Department is prepared on the basis of applications properly filed under the Foreign Assets Control Regulations (31 CFR 500.101 to 500.808) to license for purchase and importation into the United States certain merchandise certified to be of Hong Kong origin by the Department of Commerce and Industry of the Government of Hong Kong, certified to be of Japanese origin by the Ministry of International Trade and Industry of the Government of Japan, certified to be of Taiwan (Formosan) origin by the Ministry of Economic Affairs of the Government of China, or certified to be of South Korean origin by the Ministry of Commerce and Industry

of the Republic of Korea under arrangements concluded between these countries and the United States to preclude the possibility of certification of goods of Communist Chinese or North Korean origin.

The merchandise for which there are now available certifications by the specified foreign governments and the dates on which such certifications first became available are:

From Hong Kong:

Cotton waste, January 9, 1953.
Hard-wood furniture, January 9, 1953.
Ivery manufactures, January 9, 1953.
Preserved plums, January 9, 1953.
Salt fish in oil, January 9, 1953.
Silt: manufactures, January 9, 1953.
Tungsten ore and concentrates, January 9, 1953.

Water chestnuts, January 9, 1953.

Cotton wearing apparel, January 12, 1953. From Japan:

Hog bristles, January 29, 1953.
From Taiwan (Formosa)*
Water chestnuts, February 5, 1953.
Seagracs squares, February 5, 1953.
From Republic of Korea:
Hog bristles, March 12, 1953.

c

Licenses will be issued for the importation of the listed merchandise only where the merchandise is to be imported from the certifying country directly. In each case the license will provide that the merchandise will not be released from United States Custom's custody unless the importer presents an appropriate certificate of origin issued by the specified foreign government agency to cover the imported merchandise.

[SEAL]

ELTING ARNOLD,
Acting Director
Foreign Assets Control.

[F. R. Doc. 53-2257; Filed, Mar. 12, 1953; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-6441]

CONSOLIDATED GAS ELECTRIC LIGHT AND POWER CO. OF BALTIMORE AND PENNSYL-VANIA WATER & POWER CO.

NOTICE OF OPINION NO. 246 AND ORDER

March 9, 1953.

In the matter of Consolidated Gas Electric Light and Power Company of Baltimore v. Pennsylvania Water & Power Company, Docket No. E-6441.

Notice is hereby given that on March 6, 1953, the Federal Power Commission issued its opinion and order entered March 4, 1953, in the above-entitled matter, setting hearing to commence on April 14, 1953, at 10:00 a.m. in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 53-2229; Filed, Mar. 12, 1953; 8:46 a. m.]

[Docket Nos. E-6474]

FLORIDA POWER CORP. AND COMMUNITY PUBLIC SERVICE CO.

NOTICE OF ORDERS AUTHORIZING ISSUANCE OF SECURITIES

March 9, 1953.

In the matters of Florida Power Corporation, Docket No. E-6474, Community Public Service Company, Docket No. E-6476.

Notice is hereby given that on March 6, 1953, the Federal Power Commission issued its orders entered March 5, 1953, authorizing issuance of securities in the above-entitled matters.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-2230; Filed, Mar. 12, 1953; 8:46 a.m.]

[Docket Nos. G-1012, G-1319, G-1554, G-1558, G-1559, G-1560, G-1668, G-1576, G-1584, G-1655, G-1921, G-1922, G-1969, G-2077, G-2108]

Algonquin Gas Transmission Co. et al. order fixing date for oral argument

MARCH 5, 1953.

In the matters of Algonquin Gas Transmission Company, Docket No.

G-1319; Northeastern Gas Transmission Company, Docket No. G-1568; Texas Eastern Transmission Corporation, Docket No. G-1012; Portland Gas Light Company, Docket No. G-1554; Biddeford and Saco Gas Company, Docket No. G-1558; Gas Service, Incorporated, Docket No. G-1559; Allied New Hamp-shire Gas Company, Docket No. G-1560; Greenfield Gas Light Company, Docket No. G–1576; Gardner Gas Fuel and Light Company, Docket No. G-1584, Athol Gas Company, Docket No. G-1655; Blackstone Valley Gas and Electric Company, Docket No. G-2077 Tennessee Gas Transmision Company and Niagara Gas Transmission Limited, Docket No. G-1921; Tennessee Gas Transmission Company, Docket Nos. G-1922, G-1969, and G-2108.

On February 3, 1953, Tennessee Gas Transmission Company (Tennessee) and Northeastern Gas Transmission Company (Northeastern) jointly filed a motion at Docket No. G-1012 for an order by the Commission directing Texas Eastern Transmission Corporation (Texas Eastern) applicant in Docket No. G-1012, to submit evidence in these proceedings that it "now possesses an adequate gas supply to serve Algohquin in addition to its existing customers."

On February 12, 1953, Texas Eastern filed its answer to the foregoing motion alleging, among other things, that the finding of the Commission in Opinion No. 206, issued February 27, 1951, that Texas Eastern is able and willing properly to do the acts and to perform the services therein authorized, is an effective finding today and will continue to be so in the future, and Texas Eastern further alleges in effect that the Commission's finding as to its gas supply there made is adequate to support the service here proposed. In its answer Texas Eastern requests oral argument on the motion.

Tennessee and Northeastern, on February 18, 1953, filed a "supplemental motion" in support of the original motion.

The Commission finds: Good cause has been shown and it is in the public interest to grant Texas Eastern's request for oral argument on the issue presented by the motion filed by Tennessee and Northeastern, the answer of Texas Eastern thereto, and the supplement to their motion filed by Northeastern and Tennessee.

The Commission orders:

(A) The request of Texas Eastern for oral argument on the motion filed on February 3, 1953, and supplemented on February 18, 1953, by Tennessee and Northeastern be and it hereby is granted.

(B) Oral argument will be heard by the Commission on March 19, 1953, at 10:00 a. m., e. s. t., in the Commission's Hearing Room, at 1800 Pennsylvania Avenue NW., Washington, D. C.

(C) Each party to the proceeding in Docket No. G-1012 desiring to participate in the oral argument hereinbefore ordered shall notify the Secretary of the Commission of the amount of time desired, on or before March 13, 1953.

(D) The Presiding Examiner be and he, is hereby given authority to deviate from the provisions of Paragraph (A) of the order issued February 10, 1953, in Docket Nos. G-1319, et al. in order to

avoid any unnecessary delay in the course of these proceedings.

Date of issuance: March 6, 1953.

By the Commission.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 53-2228; Filed, Mar. 12, 1953; 8:45 a. m.]

[Docket No. G-2053]

COMMONWEALTH NATURAL GAS CORP.

NOTICE OF ORDER AMENDING ORDER SUS-PENDING PROPOSED TARIFF AND MAKING EFFECTIVE INCREASED RATE TARIFF UPON FURNISHING OF BOND

March 9, 1953.

Notice is hereby given that on March 5, 1953, the Federal Power Commission issued its order entered March 3, 1953, amending order (17 F. R. 8405), suspending proposed tariff and making effective increased rate tariff upon furnishing of bond in the above-entitled matter.

[SEAL]

Leon M. Fuquay, Secretary.

[F. R. Doc. 53-2231; Filed, Mar. 12, 1953; 8:46 a. m.]

[Docket No. G-2054]

ATLANTIC SEABOARD CORP. AND VIRGINIA GAS. TRANSMISSION CORP.

NOTICE OF ORDER MODIFYING ORDER SUS-PENDING PROPOSED TARIFFS AND MAKING EFFECTIVE INCREASED TARIFFS UPON FUR-NISHING OF BOND

MARCH 9, 1953.

Notice is hereby given that on March 5, 1953, the Federal Power Commission issued its order entered March 3, 1953, modifying order (17 F: R. 8405), suspending proposed tariffs and making effective increased tariffs upon furnishing of bond in the above-entitled matter,

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-2232; Filed, Mar. 12, 1953; 8:46 a. m.]

[Docket No. G-2124]

INDEPENDENT NATURAL GAS CO.

NOTICE OF APPLICATION

March 10, 1953.

()

'Take notice that Independent Natural Gas Company (Applicant) a Delaware corporation with its principal office at 2223 Dodge Street, Omaha 1, Nebraska, filed on February 18, 1953, pursuant to the Natural Gas Act, as amended, an application requesting (a) by Part I thereof, the Commission to interpret the certificate of public convenience and necessity (grandfather certificate) issued to Applicant by Commission order dated October 6, 1942, In the Matter of Independent Natural Gas Company, Docket No. G-379 (3 FPC 824), as constituting adequate authority for Applicant to compress and transport for Northern Natural Gas Company

(Northern) approximately 10,000 Mcf of natural gas per day, or (b) in the alternative (in the event the Commission determines that Applicant does not have such authorization under the aforesaid certificate) by Part II thereof, the Commission to amend the certificate of public convenience and necessity in Docket No. G-379 to authorize Applicant to compress and transport approximately 10,000 Mcf of natural gas per day exclusively for Northern.

The application states that all of the coutstanding voting securities of Applicant are owned by Northern; that Applicant purchases its entire supply of natural gas from Phillips Petroleum Company (Phillips) at Phillips' Gray gasoline plant, in Gray County, Texas; that Applicant compresses such gas and transports it approximately 21 miles, where it is sold to Northern and delivered into its system at Skellytown, Carson County, Texas, and that Applicant is by such operations engaged in the transportation of natural gas in interstate commerce and in the sale of natural gas in interstate commerce for resale for ultimate public consumption.

The application further states that on January 5, 1953, Applicant entered into an agreement with Northern whereby Applicant agreed, commencing January 8, 1953, to compress and transport approximately 10,000 Mcf of natural gas per day for Northern; that these volumes of gas compressed and transported are purchased by Northern from Phillips under an agreement dated January 1, 1953; and that the purchase and delivery of the gas thereunder commenced January 8, 1953. The application also states, among other things, that the compression and transportation of the additional 10,000 Mcf of gas by Applicant for Northern is being accomplished by "the identical facilities certificated in Docket No. G-379 and by the identical operation of such facilities"

Applicant requests, in respect of Part II of its application, that the intermediate decision procedure be omitted and that its application be disposed of under the shortened procedure provided for in § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b))

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with its rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of March 1953. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-2261; Filed, Mar. 12, 1953; 8:52 a. m.]

[Docket No. G-2125]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION

March 10, 1953.

Take notice that Northern Natural Gas Company (Applicant) a Delaware corporation with its principal office at

2223 Dodge Street, Omaha 1, Nebracka, filed on February 24, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of the natural

gas transmission pipeline facilities hereinafter described.

Applicant purposes to construct, at the estimated cost indicated below, the following facilities, all as more fully described in the application:

	Diameter (inches)	Length (miles)	Estimated cost
A. Proposed main line additions: 1. Between El Paso Natural Gas Co.'s Dumas, Tex., comprende station and applicant's Eunray comprende station, all in Moore County, Tex. 2. Pipeline extending south from applicant's Heaver (Okla.) comprender station, to close the main line loop below that clutton. 3. Pipeline extending south from applicant's Multineille (Kans.) compressor station to close main line loop below that station. B. Other facilities, inter alla, approximately 1,800 feet of 16-inch diameter pipeline to interconnect Dumas natural gazeline plant of Phillips Petro-leum Co. (Phillips) and Dumas comprender station of El Paso Natural Gas Co. Interest during construction and overheads. Total estimated cost.	16 20 20	14.6 20.4 15.8	\$433,000 1,003,000 1,231,000 43,000 100,000 3,500,000

The application states that effective January 1, 1953, Applicant and Phillips have executed a seven-year term natural gas purchase contract providing for the sale by Phillips and the purchase by Applicant of approximately 40,000 Mcf of natural gas per day, which additional volumes of gas Applicant states will not be used to increase its system capacity but rather to strengthen its gas reserves position. By means of the proposed facilities Applicant proposes to receive the gas at Phillips' Dumas gasoline plant, transport such gas to El Paso's Dumas compressor station where such gas will be compressed and dehydrated by El Paso and there delivered by El Paso to Applicant for further transportation by means of its existing and the proposed facilities covered by the instant application in Docket No. G-2125. El Paso filed with the Commission on February 24, 1953, an application in Docket No. G-2126 for a certificate to compress at its Dumas compressor station the approximately 40,000 Mcf of natural gas per day which Applicant proposes to purchase from Phillips.

The application calls attention to provisions of Applicant's January 1, 1953, contract with Phillips providing for the right of termination of such contract in the event Applicant shall be unable to procure the requisite certificate authorization by April 1, 1953. The application states that concurrent with the execution of the aforementioned contract, Applicant and Phillips executed contracts which (1) grant Applicant the preferential right to purchase gas from certain areas and under certain conditions, (2) provide for the sale by Phillips and purchase by Applicant until October 1, 1955, of an additional 10,000 Mcf of natural gas daily at Phillips' Gray gasoline plant, and (3) provide for the sale by Phillips and purchase by Applicant for five years commencing October 1, 1955, of 40,000 Mcf of natural gas daily at Phillips' Gray gasoline plant.

Applicant requests that the intermediate decision procedure be omitted and that its application be disposed of pursuant to the shortened procedure provided for in §1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance

with its rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of March 1953. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,
Secretary.

MARCH 10, 1953. 3

[F. R. Doc. 53-2260; Filed. Mar. 12, 1953; 8:52 a. m.]

[Docket No. G-2128] EL PASO NATURAL GAS Co.

NOTICE OF APPLICATION

Take notice that on February 24, 1953, El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal office in El Paso, Texas, filed

application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes the construction and operation of compression, dehydration, and appurtenant facilities in Applicant's existing Dumas compressor station in Moore County, Texas, for the processing and compressing of a daily maximum of 49,728,500 cubic feet, a daily minimum of 29,837,100 cubic feet, and an annual average minimum of 14,375,500 Mcf of Northern Natural Gas Company gas for redelivery to Northern at the outlet side of Applicant's Dumas plant.

The estimated cost of the facilities which Applicant proposes to construct and operate is \$81,000. Applicant proposes to finance these additional facilities from corporate funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of March 1953. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 53-2259; Filed, Mar. 12, 1953; 8:52 a. m.]

No. 49-4

[Docket No. ID-647] ARTHUR A. TUTTLE

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

- March 9, 1953.

Notice is hereby given that on March 5, 1953, the Federal Power Commission issued its order entered March 3, 1953, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the aboveentitled matter.

ESEAL

LEON M. FUQUAY. Secretary.

[F. R. Doc. 53-2233; Filed, Mar. 12, 1953; 8:46 a. m.l

DEPARTMENT OF AGRICULTURE

Farm Credit Administration

[Farm Credit Administration Order 563]

DEPUTY GOVERNOR ET AL.

DESIGNATION AS ACTING LAND BANK COMMIS-SIONER AND ORDER OF PRECEDENCE OF OTH-ERS TO ACT AS SUCH

March 6, 1953.

Carl Colvin, Deputy Governor, is hereby also designated as Acting Land Bank. Commissioner and, as such, is hereby authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized and empowered to execute or perform.

Ernest Diebel, Assistant Deputy Land Bank Commissioner, is hereby authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized to execute or per-form in the event Acting Land Bank Commissioner Colvin is absent or unable to serve for any reason.

E. C. Johnson, Assistant Deputy Land Bank Commissioner, is hereby authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized to execute or perform in the event Acting Land Bank Commissioner Colvin and Assistant Deputy Land Bank Commissioner Diebel are absent or unable to serve for any reason.

Horace A. Lake, Chief of NFLA Section, is hereby authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Land Bank Commissioner is authorized to execute or perform in the event Acting Land Bank Commissioner Colvin and Assistant Deputy Land Bank Commissioners Diebel and Johnson are absent or unable to serve for any reason.

The foregoing supersedes Farm Credit Administration Order No. 500, dated July 1, 1949 (14 F R. 3802)

[SEAL]

I. W. DUGGAN. Governor Farm Credit Administration.

[F. R. Doc. 53-2246; Filed, Mar. 12, 1953; 8:50 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region I, Redelegation of Authority 28. Revision 1, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION I REDELEGATION OF AUTHORITY TO ACT ON APPLICATIONS FOR CEILING PRICE ADJUST-MENTS PURSUANT TO SECTION 91 OF CPR 117, REV. 1

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region I, and pursuant to Delegation of Authority 52, Revision 1, Amendment 1 (18 F R. 747) this Amendment 1 to Redelegation of Authority 28, Revision 1 (17 F. R. 1639) is hereby issued.

Redelegation of Authority 28, Revision 1, section 1, is amended to read as fol-

1. Authority to act under sections 36. 53, and 91 of CPR 117 Revision 1. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization, Region I. to act, by order, on all applications under the provisions of sections 36, 53, and 91 of Ceiling Price Regulation 117, Revision

This Amendment 1 to Redelegation of Authority 28, Revision 1, shall take effect as of February 20, 1953.

> JOSEPH M. McDonough, Regional Director, Region I.

March 10, 1953.

[F. R. Doc. 53-2248; Filed, Mar. 10, 1953; 11:13 a. m.]

[Region I, Redelegation of Authority 62] DIRECTORS OF DISTRICT OFFICES, REGION I REDELEGATION OF AUTHORITY TO ACT UNDER GOR 40, ADJUSTMENTS FOR RETAILERS

By virtue of the authority vested in me as Director of the Regional Office of the Office of Price Stabilization, Region I, and pursuant to Delegation of Authority 88 (18 F R. 613) this redelegation of authority is hereby issued.

1. Authority to act under section 5 of GOR 40. Authority is hereby redelegated to the Directors of the District Offices of the Office of Price Stabilization. Region I, to act in accordance with sections 3 and 4 of this regulation on any application for adjustment filed pursuant thereto, which has been referred under the provisions of section 5 by the National Office or by this Regional Office.

This redelegation of authority shall take effect as of February 20, 1953.

> JOSEPH M. McDonough. Regional Director, Region I.

March 10, 1953.

[F. R. Doc. 53-2249; Filed, Mar. 10, 1953; 11:13 a. m.]

GENERAL SERVICES ADMIN-**ISTRATION**

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO HOUSEHOLD GOODS

- 1. Pursuant to the provisions of sections 201 (a) (4) and 205 (d) and (e) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, authority to represent the interests of the executive agencies of the Federal Government in the matter of Household Goods—Increased Rates to be Effective February 18, 1953, and any subsequent proceedings relating thereto before the Interstate Commerce Commission, is hereby delegated to the Secretary of Defense.
- 2. The Secretary of Defense is hereby authorized to redelegate any of the authority contained herein to any officer, official or employee of the Department of Defense.
- 3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls proscribed by the General Services Administration and shall further be exercised in cooperation with the responsible officers, officials and employees of such Administration.
- 4. This delegation of authority shall be effective as of February 9, 1953.

Dated: March 9, 1953.

RUSSELL FORBES. Acting Administrator

[F R. Doc. 53-2256; Filed, Mar. 12, 1953; 8:51 a. m.1

OFFICE OF DEFENSE MOBILIZATION

[CDHA 106]

BEDFORD, MASSACHUSETTS, AREA

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951

March 11, 1953.

Upon a review of the construction of new defense plants and installations, and the reactivation or expansion of operations of exising defense plants and installations, and the in-migration of defense workers or military personnel to carry out activities at such plants or installations and the availability of housing and community facilities and services for such defense workers and military personnel in the area set forth below. I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951 (Pub. Law 139, 82d Cong., 1st sess.) exist.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by paragraph number 1 of Executive Order 10296 of October 2, 1951, I hereby determme that said area is a critical defense

housing area.

Bedford, Massachusetts, Area. (The area consists of the cities of Waltham and Woburn; and the towns of Bedford, Billerica, Burlington, Carlisle, Chelmsford, Concord, Lexington, Lincoln, North Reading, Reading, Tewksbury and Wilmington; all in Middlesex County, Massachusetts.)

This supersedes certification dated October 17, 1952.

ARTHUR S. FLEMING, Director of Defense Mobilization.

[F. R. Doc. 53-2301; Filed, Mar. 11, 1953; 3:48 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3009]

UTAH POWER AND LIGHT CO.

NOTICE OF FILING REGARDING INCREASE IN AUTHORIZED COMMON STOCK

MARCH 9, 1953.

Notice is hereby given that Utah Power and Light Company ("Utah") a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 and has designated sections 6 (a) 7 and 12 (e) thereof and Rule U-62 of the rules and regulations promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Utah proposes to amend its certificate of organization and by-laws so as to increase its authorized capital stock from 2,000,000 shares of no par value common stock (of which 1,842,500 shares are presently outstanding) to 2,500,000 shares of no par value common stock. The amendment will require the approval of the holders of a majority of the shares of outstanding common stock of Utah. The-company intends to submit the proposed amendment to its stockholders at the annual meeting to be held May 18, 1953, and will solicit proxies with respect thereto.

Utah states that the financing of its construction program, presently estimated to require the expenditure of approximately \$42,000,000 during the years 1953-55, will require the issuance and sale of additional securities including common stock and that it proposes to increase the authorized common stock so that additional shares may be issued and sold at a later date upon the approval of regulatory authorities.

Notice is further given that any interested person may, not later than March 24, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter stating the reasons for such request, the nature of his interest, and the issues of law and fact raised by said declaration which he desires to controvert, or request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 24, 1953, said declaration, as filed or as amended. may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such

transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said declaration which is on file with the Commission for a full statement of the transactions therein proposed.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Sccretary.

[F. R. Doc. 53-2234; Filed, Mar. 12, 1953; 8:46 a. m.]

CANADIAN ALLIANCE CORP., LTD.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of March 1953.

In the matter of Canadian Alliance Corporation, Ltd., 360 St. James Street, West, Montreal, Canada.

I. The Commission's public official files disclose that Canadian Alliance Corporation, Ltd., hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof, istating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943 through 1952, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. It is ordered, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 8th day of April 1953 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing

Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before April 1, 1953. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to April 8, 1953.

In the absence of an appropriate walver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL]

Onval L. DuBois, Secretary.

[F. R. Doc. 53-2235; Filed, Mar. 12, 1953;] 8:46 a. m.]

WILLIAM P. O'BRIEN

ORDER FOR PROCEEDINGS AND MOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of March 1953.

In the matter of William P. O'Brien, Room 26, Edificio Cabrer, Ponce de Leon Avenue, Stop 16½, Santurce, Puerto Rico.

I. The Commission's public official files disclose that William P. O'Brien, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof, stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1950 through 1952, as required by section 17 (a) of the

¹Filed as part of the original document.

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Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke

registration of registrant; and
(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V It is ordered, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 8th day of April 1953 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW. Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or be-fore April 1, 1953. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered. the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to April 8, 1953.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 53-2236; Filed, Mar. 12, 1953; 8:47 a. m.]

N. G. M. LOUGHEED

ORDER FOR PROCEEDINGS AND NOTICE-OF HEARING.

In the matter of N. G. M. Lougheed, 1406 Royal Bank Bldg., Vancouver, B. C.

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of March 1953.

I. The Commission's public official files disclose that N. G. M. Lougheed, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,1 stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943 through 1952, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted únder said section.

IV The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section:

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke

registration of registrant; and
(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V It is ordered. That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 8th day of April 1953 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW.. Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing

Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before April 1, 1953. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to April 8, 1953,

In the absence of an appropriate waiver. no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

"[SEAL]

ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 53-2237; Filed, Mar. 12, 1953; 8:47 a. m.]

J. C. ROGERS & Co., LTD.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of March 1953.

In the matter of J. C. Rogers & Company, Ltd., 360 St. James Street, West, Montreal, Quebec, Canada.

I. The Commission's public official files disclose that J. C. Rogers & Company, Ltd., hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,1 stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1943 through 1952, as required by section 17 (a) of the Securities Exchange Act of 1934 and Filed as part of the original document. Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. It is ordered, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 8th day of April 1953, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before April 1, 1953. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

It is further ordered, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the Federal Register not later than fifteen (15) days prior to April 8, 1953.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions

of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 53-2238; Filed, Mar. 12, 1953; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

GULF AND SOUTH ATLANTIC-CUBAN OUTPORTS CONFERENCE

NOTICE OF ESTABLISHMENT OF CONTRACT/ NON-CONTRACT RATES

Notice is hereby given that on March 6, 1953, the Gulf and South Atlantic-Cuban Outports Conference filed with the Federal Maritime Board pursuant to § 236.3 of General Order No. 76 a statement containing a proposal to establish contract/non-contract rates 30 days after the date of such filing on all cargoes transported by the conference lines in the trade from United States Gulf and South Atlantic ports to ports in Cuba as named in applicable tariff other than Havana, Mariel, Matanzas and Santiago de Cuba, with a spread or differential of \$4.00 per ton weight or measurement between such contract/ non-contract rates. The statement alleges that the establishment of the dual rate system is for the purpose of stabilizing rates and of minimizing the effect of destructive competition of cut rates by casual lines, and represents the extension of the dual rate system to Cuban outports not embraced in either the trade of the Gulf and South Atlantic-Havana or the Santiago de Cuba Conferences, thus affording shippers in the United States Gulf ports the same basis of rates to Cuban outports as to major Cuban ports. The conference further alleges that the proposed spread or differential in the contract/non-contract rates is reasonably necessary to provide inducement to and reasonable consideration to shippers for entering into contracts, will provide the conference carriers with adequate, just and reasonable compensation for their transportation services to such shippers in the light of the advantages afforded by such contracts, and will stabilize the traffic pattern between Gulf and Cuba by extending the spread or differential now in effect to the principal ports of Cuba to the smaller outports.

Interested parties may inspect the information contained in such statement, and may submit, within 20 days after publication of this notice in the Federal Register, written statements with reference to the information filed and any objections or other comment thereon, together with request for hearing should such hearing be desired.

Dated: March 10, 1953.

By order of the Federal Maritime Board.

[SEAL]

A. J. Willialis, Secretary.

[F. R. Doc. 53-2265; Filed, Mar. 12, 1953; 8:53 a.m.]

National Production Authority

[Suspension Order 57; Docket No. 64]

JALOUSIE & WINDOW ENGINEERING, INC., ET AL.

A hearing having been held in the above-entitled matter on the 20th day of February 1953 before Charles J. Hilkey, a hearing commissioner of the National Production Authority, on a statement of charges by the General Counsel of the National Production Authority, in accordance with its General Administrative Order 16–06, as amended (16 F R. 8628), and Rules of Practice 1, Revised (17 F. R. 8156) and dated September 8, 1952; and

The respondents, Jalousie & Window Engineering, Inc., Henry A. Keller, and Albert E. Stanley, having been duly apprised of the specific violations charged and the administrative action which may be taken, and having been fully informed of the rules and procedures governing these proceedings, and having filed answers to the charges through their attorney, Franklin Parson, Esquire, who, together with Frank A. Constangy, Esquire, of Atlanta, Ga., represented said respondents at said hearing; and respondents having entered into an agreed statement of facts with counsel for the National Production Authority dated December 30, 1952, wherein respondents admit the commission of the acts set forth in Charges 1, 2, 3, 4, 5, and 6 in said statement of charges, and further admit that the orders, regulations, delegations, statement, and rules of practice cited in said statement of charges were lawfully issued, published, and in full force and effect at all times set out in said statement of charges; and said agreed statement of facts having been introduced in evidence in lieu of the presentation of other evidence in support of or in opposition to the facts alleged in said statement of charges, in accordance with a stipulation therein contained; and the respondents, together with counsel for all parties having been heard, it is hereby determined:

Findings of fact and law: 1. Jalousie & Window Engineering, Inc., is a Florida corporation with its principal place of business in Dade County, Fla., and was engaged in the manufacture of alumnum windows and Jalousies during the entire year of 1952; that Henry A. Keller was and is now the president of Jalousie & Window Engineering, Inc., and that Albert E. Stanley was during said period and is now secretary and treasurer of Jalousie & Window Engineering, Inc., and they were the executive heads of said corporation during the entire year of 1952.

2. Jalousle & Window Engineering, Inc., having received authorized production schedules and related allotments of aluminum for use during the first, second, third, and fourth quarters of 1952, aggregating 77,295 pounds thereof, although they would have been entitled to self-authorize during a portion of said period some larger quantity of aluminum than was allotted, placed orders, most of which were controlled materials, with its suppliers for 536,241 pounds of aluminum during the year 1952, which amount exceeded the quantity of alu-

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minum allotted to it under the provisions of section 19 (f) of CMP Regulation No. 1 of the National Production Authority, as amended November 23, 1951 (16 F. R. 11860). by 458,946 pounds.

1951 (16 F R. 11860), by 458,946 pounds.

3. During the first 3 quarters of 1952, Jalousie & Window Engineering, Inc., having received authorized production schedules and related allotments of aluminum for its use in the manufacture of aluminum windows and jalousies during said period, received and used 387,745 pounds of aluminum in the production of aluminum windows and jalousies in excess of that provided for in such production schedules, which act was a violation of sections 3 (c) and 17 (b) of CMP Regulation No. 1, as amended November 23, 1951 (16 F R. 11860)

4. During the period between January 1, 1952, and the date hereof, Henry A. Keller, as president of Jalousie & Window Engineering, Inc., and individually, and Albert E. Stanley, as secretary and treasurer of Jalousie & Window Engineering, Inc., and individually dominated, managed, and controlled Jalousie & Window Engineering, Inc., and directed, supervised, and participated in the acts set forth in paragraphs 2 and 3 hereof, in violation of sections 19 (f) 2 (c), and 17 (b) of CMP Regulation No. 1 of the National Production Authority, as amended November 23, 1951 (16 F. R. 11860)

Conclusions. In addition to the excess of rated orders issued by the respondent, it received and used during the first 3 quarters of 1952 a total of 387,745 pounds of aluminum in production of aluminum windows and jalousies in excess of that provided for in its production schedule. In order to correct the unauthorized receipt and use of aluminum in the manufacture of windows and jalousies occasioned by the violations found herein, it is accordingly ordered.

1. That all priority assistance be withdrawn and withheld from Jalousie & Window Engineering, Inc., its successors and assigns, and Henry A. Keller and Albert E. Stanley, individually and as officers of said corporate respondent, for a period of 3 months beginning with March 1, 1953, and ending May 30, 1953.

2. That all allocations and allotments of controlled materials and materials under the control of the National Production Authority, including all privileges of self-authorization and selfcertification therefor, heretofore or hereafter granted by the National Production Authority with respect thereto. be and they are hereby withdrawn and withheld from Jalousie & Window Engineering, Inc., its successors and assigns, and Henry A. Keller and Albert E. Stanley, individually and as officers of said corporate respondent for the period beginning March 1, 1953, and ending May 30, 1953; and said respondents are hereby directed to cancel immediately all outstanding rated orders for delivery of controlled materials, including aluminum, and all other controlled materials under the control of the National Production Authority for the period beginning March 1, 1953, and ending May 30, 1953.

3. That Jalousie & Window Engineering, Inc., its successors and assigns, and

Henry A. Keller and Albert E. Stanley, individually and as officers of said corporate respondent, be and are hereby prohibited from acquiring controlled materials, including aluminum, and materials under the control of the National Production Authority by the use of rated orders and from using or disposing of controlled materials acquired by the use of rated orders for the period beginning March 1, 1953, and ending May 30, 1953.

Issued this 20th day of February 1953 at Miami, Fla.

NATIONAL PRODUCTION AUTHORITY, By CHARLES J. HILKEY, Hearing Commissioner

[F. R. Doc. 53-2268; Filed, Mar. 11, 1953; 10:21 a. m.]

[Suspension Order 11, Docket No. 11— Modification 1]

MEBA ZIPPER MANUFACTURING CO.
MODIFICATION

- This proceeding has to do with the matter of Irving A. Mehler, d/b/a Meba Zipper Manufacturing Company, 257 West 17th Street, New York, N. Y., in connection with which NPA Hearing Commissioner George E. Brower, of Brooklyn, New York, entered Suspension Order 11 on May 16, 1952.

In conformity with the policy established by Direction 20 to CMP Regulation No. 1, dated February 16, 1953, and Direction 10 to Revised CMP Regulation No. 6, dated February 16, 1953 (see also Designation of Scarce Materials 1, as amended February 18, 1953) and

On motion of Robert H. Winn, Esquire, Assistant General Counsel of the National Production Authority.

It is hereby ordered, pursuant to the provisions of paragraph (c) of section 5 of NPA Rules of Practice (17 F. R. 8156) that the above-identified suspension order be modified so that the respondent herein, any provision in the suspension order notwithstanding, may acquire any controlled material which is acquired pursuant to the provisions of section 6 of Direction 20 to CMP Regulation No. 1 or section 2 (a) of Direction 10 to Revised CMP Regulation No. 6, and

It is further ordered that the said suspension order be further modified so that the respondent herein may use or dispose of any controlled material so acquired, and the suspension order herein shall not be treated as effecting a prohibition by a regulation or order of NPA as referred to in section 7 of Direction 20 to CMP Regulation No. 1 as to any controlled material acquired pursuant to the provisions of said Direction 20 or of Direction 10 to Revised CMP-Regulation No. 6.

In all other respects the aforesaid Suspension Order 11 remains unmodified.

Issued this 26th day of February 1953 at Washington, D. C.

NATIONAL PRODUCTION AUTHORITY,

By Morris R. Bevington; Deputy Chief Hearing Commissioner [F. R. Doc. 53-2337; Filed, Mar. 12, 1953; 10:42 a. m.]

[Suspension Order 18; Docket No. 18—Modification 2]

CHANDEYSSON ELECTRIC CO.

ORDER OF MODIFICATION

This proceeding has to do with the matter of Chandeysson Electric Company, 4054 Bingham Avenue, St. Louis, Missouri, in connection with which NPA Hearing Commissioner Fred J. Moreau entered Suspension Order 18 on June 10, 1952.

In conformity with the policy established by Direction 20 to CMP Regulation No. 1, dated February 16, 1953, and Direction 10 to Revised CMP Regulation No. 6, dated February 16, 1953 (see also Designation of Scarce Materials 1, as amended February 18, 1953), and

On motion of Robert H. Winn, Esquire, Assistant General Counsel of the National Production Authority:

It is hereby ordered, Pursuant to the provisions of paragraph (c) of section 5 of NPA Rules of Practice (17 F R. 8156), that the above-identified suspension order be modified so that the respondent herein, any provision in the suspension order notwithstanding, may acquire any controlled material which is acquired pursuant to the provisions of section 6 of Direction 20 to CMP Regulation No. 1 or section 2 (a) of Direction 10 to Revised CMP Regulation No. 6; and

It is further ordered, That the said suspension order be further modified so that the respondent herein may use or dispose of any controlled material so acquired, and the suspension order herein shall not be treated as effecting a prohibition by a regulation or order of NPA as referred to in section 7 of Direction 20 to CMP Regulation No. 1 as to any controlled material acquired pursuant to the provisions of said Direction 20 or of Direction 10 to Revised CMP Regulation No. 6

In all other respects the aforesaid Suspension Order 18 remains unmodified.

Issued this 2d day of March 1953 at Washington, D. C.

NATIONAL PRODUCTION AUTHORITY,

By Morris R. Bevington, Deputy Chief Hearing Commissioner

[F. R. Doc. 53-2338; Filed, Mar. 12, 1953; 10:42 a. m.]

[Suspension Order 21; Docket No. 31— Modification 2]

DAY Co.

ORDER OF MODIFICATION

This proceeding has to do with the matter of the National Production Authority vs. The Day Company, 810 N.E. 3d Avenue, Minneapolis, Minnesota, in connection with which NPA Hearing Commissioner Palmer D. Edmunds entered. Suspension Order 21 on August 8, 1952, and Walter H. Foster, Chief Hearing Commissioner, entered order of modification on September 5, 1952.

In conformity with the policy established by Direction 20 to CMP Regulation No. 1, dated February 16, 1953, and Direction 10 to Revised CMP Regulation

No. 6, dated February 16, 1953 (see also Designation of Scarce Materials 1, as amended February 18, 1953) and

On motion of Robert H. Winn, Esquire, Assistant General Counsel of the Nation-

al Production Authority.

It is hereby ordered, Pursuant to the provisions of paragraph (c) of section 5 of NPA Rules of Practice (17 F. R. 8156) that the above-identified suspension orders be modified so that the respondent herein, any provision in the suspension orders notwithstanding, may acquire any controlled material which is acquired pursuant to the provisions of section 6 of Direction 20 to CMP Regulation No. 1 or section 2 (a) of Direction 10 to Revised CMP Regulation No. 6; and

It is further ordered, That the said suspension orders be further modified so that the respondent herein may use or dispose of any controlled material so acquired, and the suspension order herein shall not be treated as effecting a prohibition by a regulation or order of NPA as referred to in section 7 of Direction 20 to CMP Regulation No. 1 as to any controlled material acquired pursuant to the provisions of said Direction 20 or of Direction 10 to Revised CMP Regulation No. 6.

In all other respects the aforesaid Suspension Order 21 remains unmodified.

Tssued this 3d day of March 1953 at Washington, D. C.

NATIONAL PRODUCTION
AUTHORITY,
By Morris R. Bevington,
Deputy Chief Hearing Commissioner.

[F. R. Doc. 53-2339; Filed, Mar. 12, 1953;
10:42 a. m.]

[Suspension Order 26; Docket No. 28—Modification 1]

ROY G. MILLER, INC., ET AL.

ORDER OF MODIFICATION

This proceeding has to do with the matter of the National Production Authority vs. Roy G. Miller, Inc., et al., 600 West Tenth Avenue, Monmouth, Illinois, in connection with which NPA Hearing Commissioner Palmer D. Edmunds entered Suspension Order 26 on August 22, 1952, at Chicago, Illinois.

In conformity with the policy established by Direction 20 to CMP Regulation No. 1, dated February 16, 1953, and Direction 10 to Revised CMP Regulation No. 6, dated February 16, 1953 (see also Designation of Scarce Materials 1, as amended February 18, 1953), and

On motion of Robert H. Winn, Esquire, Assistant General Counsel of the National Production Authority

It is hereby ordered, Pursuant to the provisions of paragraph (c) of section 5 of NPA Rules of Practice (17 F R. 8156) that the above-identified suspension order be modified so that the respondents herein, any provision in the suspension order notwithstanding, may acquire any controlled material which is acquired pursuant to the provisions of section 6 of Direction 20 to CMP Regulation No. 1 or section 2 (a) of Direction 10 to Revised CMP Regulation No. 6; and

It is further ordered, That the said suspension order be further modified so that the respondents herein may use or dispose of any controlled material so acquired, and the suspension order herein shall not be treated as effecting a prohibition by a regulation or order of NPA as referred to in section 7 of Direction 20 to CMP Regulation No. 1 as to any controlled material acquired pursuant to the provisions of said Direction 20 or of Direction 10 to Revised CMP Regulation No. 6.

In all other respects the aforesaid Suspension Order 26 remains unmodified

Issued this 3d day of March 1953 at Washington, D. C.

NATIONAL PRODUCTION
AUTHORITY,
By Morris R. Bevington,
Deputy Chief Hearing Commissioner,

[F. R. Doc. 53-2340; Filed, Mar. 12, 1953; 10:42 a. m.]

[Suspension Order 27; Docket No. 37—Modification 1]

AMERICAN METAL SUPPLY CO.
ORDER OF MODIFICATION

This proceeding has to do with the matter of the National Production Authority vs. Meyer Leson d/b/a American

Metal Supply Company, 300 Hammonton Road, Marysville, California, in connection with which NPA Hearing Commissioner Lowell Turrentine entered Suspension Order 27 on August 29, 1952, at San Francisco, California.

In conformity with the policy established by Direction 20 to CMP Regulation No. 1, dated February 16, 1953, and Direction 10 to Revised CMP Regulation No. 6, dated February 16, 1953 (see also Designation of Scarce Materials 1, as amended February 18, 1953) and

On motion of Robert H. Winn, Esquire, Assistant General Counsel of the National Production Authority

It is hereby ordered, Pursuant to the provisions of paragraph (c) of section 5 of NPA Rules of Practice (17 F. R. 8156) that the above-identified suspension order be modified so that the respondent herein, any provision in the suspension order notwithstanding, may acquire any controlled material which is acquired pursuant to the provisions of section 6 of Direction 20 to CMP Regulation No. 1 or section 2 (a) of Direction 10 to Revised CMP Regulation No. 6; and

It is further ordered, That the said suspension order be further modified so that the respondent herein may use or dispose of any controlled material so acquired, and the suspension order herein shall not be treated as effecting a prohibition by a regulation or order of NPA as referred to in section 7 of Direction 20 to CMP Regulation No. 1 as to any controlled material acquired pursuant to the provisions of said Direction 20 or of Direction 10 to Revised CMP Regulation No. 6.

In all other respects the aforesaid Suspension Order 27 remains unmodified.

Issued this 3d day of March 1953 at Washington, D. C.

NATIONAL PRODUCTION
AUTHORITY,
By MORRIS R. BEVINGTON,
Deputy Chief Hearing Commissioner.

[F. R. Doc. 53-2341; Filed, Mar. 12, 1953; 10:42 a. m.]